



THE
TRIAL
OF
*Ford Lord Grey of Werk,
&c.*



1780
July 1st
J. F. Torkerville

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TRIAL

For Lord Grey of Wexford
1780

1780

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THE T R I A L O F

Lord Lord Grey of Werk, } *David Jones,*
Robert Charnock, } *Frances Jones, and*
Anne Charnock, } *Rebecca Jones.*

At the *King's-Bench-Barr*, on *Thursday* the
23^d. day of *November*, A. D. 1682. in
Michaelmas-Term, 34 Car. II. Rs. Before
all the Judges of the said Court of *King's-
Bench*, upon an Information Exhibited
there by His Majesty's *Attorney General*, for
Unlawful Tempting and Inticing, the

Lady Henrietta Berkeley,

One of the Younger Daughters of the Rt. Honble.
George Earl of Berkeley, to Unlawful Love, and
carying her away from her Father's House in
Surry, with an intent to cause her to live in
a Scandalous manner with the said Lord Grey.

Upon which Trial, the five first named
Defendants in the said Information were
found Guilty.

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L O N D O N:

Printed, and Sold by *J. Morphew* near *Stationers-
Hall*, 1716.

THE TRIAL OF

John Lord Grey of Wexford, Robert Charnock, Anne Charnock, Robert Jones, and Rebecca Jones.

At the King's Bench-Bar, on Thursday the 23d. day of November 1716, in Michaelmas-Term, 34th Charles II. before all the Judges of the said Court, &c. Present, upon an indictment exhibited there by His Majesty's Attorney General, for Unlawful Tempting and Enticement, the

Lady Henrietta Berkeley,

One of the Younger Daughters of the Rt. Honble. George Earl of Berkeley, to Unlawful Love and carrying her away from her Father's House in secret, with an intent to cause her to live in a scandalous manner with the said Lord Grey.

Upon which Trial, the five first named Defendants in the said Information were found Guilty.

LONDON:

Printed, and Sold by J. Moxley near St. Dunstons-Hall, 1716.



*Michaelmas Term, Jovis 23. Nov. A. D. 1682.
34 Car. II. in B. R.*

THE
K I N G
A G A I N S T

*Ford Lord Grey, of Werk,
And Others.*



HERE having been an Information preferred against the Rt. Honb. *Ford Lord Grey*, of *Werk*, and others, by His Majesty's Att. Gen. *Sir Robert Sawyer*, the first day of this *Michaelmas-Term* (a Copy of which Information follows) and the *Lord Grey* having then pleaded to it *Not Guilty*, and the other *Defendants* the like afterward, and the King's Attorney joyned Issue upon it; *Tuesday* the 21st of *November*, was appointed for Trial of this Cause; but it was then

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adjourned to this Day, because one of the Witnesses for the King was not ready ; but this Day it came on about Nine in the Morning, at the *King's-Bench-Bar*, and held till Two in the Afternoon, * all the Judges of the said Court being present.

First, Proclamation was made for Silence, and then for Information, if any Person could give any, concerning the Misdemeanor and Offence whereof the Defendants stood Impeached: Then the Defendants being called and appearing, were bid to look to their Challenges, and the Jury being all Gentlemen of the County of Surrey, were Call'd Challenge'd and Sworn in this Order.

CL. of Crown. 1. Sir *Marmaduke Gresham*, Jur.
2. Sir *Edward Bromfeild*, Jur.
3. Sir *Robert Knightley*, Jur.
Sir *John Thompson*.

Mr. Serj. *Jefferies*. We Challenge him for the King.

Mr. *Holt*. Then we Challenge *toutz per availle*, unless the King shew his cause of Challenge ; for by the Statute of 24 *Edw. 1.* the King cannot Challenge without Cause.

Mr. Serj. *Jefferies*. But by the Course of Practice, all the Pannel must be called over before the King shew his Cause.

Mr. *At. Gen.* Before the Party can have his Challenges allowed, he must shew his Cause ; but they must go on with the Pannel, in the King's Case, to see if the Jury be full without the Persons challenged, and that is sufficient.

L. C. J. If they Challenge any Person for the King, they must shew Cause, in due Time. For I take the Course to be, that the King cannot

* Sir *Francis Pemberton*, C. J. Sir *Thomas Jones*, Sir *William Dolben*, and Sir *Thomas Raymond*.

Challenge without Cause, but he is not bound to shew his Cause presently; it is otherwise in the Case of another Person.

Mr Serj. *Jefferies*. That hath always been the regular course.

Mr. *Holt*. Our challenging *toutz per arvaile*, doth set all the rest aside till Cause be shewn.

L. C. *J*. The Statute is, the King shall shew Cause; but when it comes in a Case between the King and another Party, that they both Challenge, the other Party shall shew Cause first.

Mr. *Holt*. My Lord, we Challenge *toutz per arvaile*.

L. C. *J*. You must shew a reason for it then.

Mr. *At. Gen*. The King shall not be drawn to shew his Cause, if there be enough in the Pannel besides.

Mr. *Williams*. That is to say then, that the King may chuse whom he pleaseth against the Statute.

Mr. Serj. *Jefferies*. No Sir, we desire none but honest and indifferent Gentlemen to try this Cause.

L. C. *J*. The old Challenge is taken away, by that Statute, from the King, *quia non sunt boni pro Domino Rege*, and therefore if the King challenge any, he must shew cause, but it must be in his time, and not before you shew yours. Let him stand by a while.

Cl. of Cr. *John Sandys*, Esq;

Mr. Serj. *Jefferies*. We Challenge him for the King.

Mr. *Holt*. For what Cause, Sir?

Mr. Serj. *Jefferies*. We will tell you in good time.

Cl. of Cr. 4. *Sigismund Stiddulph*, Jur.

John Weston.

Mr. *Weston*. My Lord I am no Freeholder.

Mr. *Holt*. He challenges himself.

L. C. *J*. Well, he must be set aside.

Cl. of Cr.	5. Thomas Vincent.	} Jur.	9. Thomas Newton.
	6. Philip Rawleigh.		10. John Halscy.
	7. Robert Gavell.		11. Thomas Burroughs, and
	8. Edward Bray.		12. John Pettyward.

Cl. of Cr. Gentlemen, you of the Jury that are Sworn, hearken to your Charge.

Surry, ss. Sir Robert Sawyer, Kt. his Majesties Attorney General, has exhibited an Information in this Court, against the Rt. Honb. Ford Lord Grey of Werk; Robert Charnock, late of the Parish of St. Botolph Aldgate, London, Gent. Anne Charnock, Wife of the said Robert Charnock; David Jones, of the Parish of St. Martin in the Fields, in the County of Middx. Milliner; Frances Jones, Wife of the said David; and Rebecca Jones, of the same, Widow; for that they (with diverse other Evil disposed Persons, to the said Attorney General yet unknown) the 20th day of August, in the 34th Year of the Reign of our Sovereign Lord the King that now is, and diverse other Days and Times, as well before as after, at the Parish of Epsome in the County of Surry, falsely, unlawfully, unjustly and wickedly, by unlawful and impure ways and means, conspiring, contriving, practising and intending the final Ruine and Destruction of the Lady Henrietta Berkeley, then a Virgin Unmarried, within the Age of 18 Years, and one of the Daughters of the Rt. Honb. George Earl of Berkeley (the said Lady Henrietta Berkeley, then and there being under the Custody, Government and Education of the aforesaid Rt. Honb. George Earl of Berkeley her Father) they the said Ford Lord Grey, Robert Charnock, Anne Charnock, David Jones, Frances Jones, and Rebecca Jones, and diverse other Persons unknown, then and there, falsely, unlawfully and devilishly, to fulfill, perfect, and bring to effect, their most wicked, impious and devilish intentions aforesaid; the said Lady Henrietta Berkeley,

to desert the aforeſaid Rt. Honb. *George Earl of Berkeley*, Father of the aforeſaid Lady *Henrietta*; and to commit Whoredom, Fornication and Adultery, and in Whoredom, Fornication and Adultery to live with the aforeſaid *Ford Lord Grey* (the ſaid *Ford Lord Grey*, then and long before, and yet, being the Husband of the Lady *Mary*, another Daughter of the ſaid Rt. Honb. *George Earl of Berkeley*, and Siſter of the ſaid Lady *Henrietta*) againſt all Laws, as well Divine as Humane, impiouſly, wickedly, impurely and ſcandalouſly, to live and cohabit, did tempt, invite and ſolicit, and every of them, then and there, did tempt, invite and ſolicite. And that the aforeſaid *Ford Lord Grey*, *Robert Charnock*, *Anne Charnock*, *David Jones*, *Frances Jones*, and *Rebecca Jones*, and other Perſons unknown, with Force and Arms, &c. unlawfully, unjuſtly, and without the Leave, and againſt the Will of the aforeſaid Rt. Honb. *George Earl of Berkeley*, in proſecution of their moſt wicked Conſpiracies aforeſaid; the ſaid Lady *Henrietta Berkeley*, then and there, about the Hour of Twelve in the Night time, of the ſaid 20th day of *Auguſt*, in the Year aforeſaid, at the aforeſaid Pariſh of *Epfom* in the County of *Surrey* aforeſaid, out of the Dwelling Houſe of the ſaid Rt. Honb. *George Earl of Berkeley* there ſituate and being, and out of the Cuſtody and Government of the ſaid Earl of *Berkeley*, did take, carry and lead away. And the ſaid Lady *Henrietta Berkeley*, from the ſaid 20th day of *Auguſt* in the Year aforeſaid, and continually afterwards, unto the day of the Exhibition of this Information, at the Pariſh of *Epfom* aforeſaid, in the County of *Surry* aforeſaid, and in diſverſe ſecret places there with the ſaid *Ford Lord Grey*, unlawfully, wickedly, and ſcandalouſly to live, cohabit and remain, did procure and cauſe, and every of them did procure and cauſe, to the great diſpleaſure of Almighty God, to the Ruine and Deſtruction of the

said Lady *Henrietta Berkeley*, to the Grief and Sorrow of all her Friends, and to the evil and most pernicious Example of all others in the like Case offending; and against the Peace of our said Sovereign Lord the King, his Crown and Dignity. To this Information, the Defendant, the Lord *Grey*, and the other Defendants, have severally pleaded *Not Guilty*, and for their Trial, have put themselves upon the Country, and the King's *Attorney* likewise; which Country you are: Your Charge is to enquire whether the Defendants, or any of them, are Guilty of the Offence and Misdemeanor whereof they stand Impeached by this Information, or not Guilty: If you find them or any of them Guilty, you are to say so; if you find them, or any of them not Guilty, you are to say so and no more, and hear your Evidence.

For which Evidence to come in, Proclamation was made, and then Edward Smith, Esq; a Benchet of the Middle-Temple, open'd the Information.

Mr. *Smith*. May it please your Lordship, and Gentlemen you of the Jury; Mr. *Attorney General* hath exhibited an Information in this Court, against *Ford Lord Grey of Werk, Robert Charnock, Anne Charnock, David Jones, Frances Jones, and Rebecca Jones*, wherein is set forth, That the Defendants, the 20 of *August*, in the 34th Year of this King, at *Epsom* in your County, did conspire the Ruin and utter Destruction of the Lady *Henrietta Berkeley*, Daughter of the Rt. Honble. *George Earl of Berkeley*; and for the bringing about this Conspiracy, they have seduced her to desert her Father's House, tho' she be under the Age of 18 Years, and under the Custody and Government of her Father; and solicited her to commit Whoredom and Adultery with my Lord *Grey*, who was before Married to the Lady *Mary*, another Daughter of the Earl of *Berkeley's*, and
Sister

Sister to the Lady *Henrietta*. That after they had thus inveigled her, they did upon the same 20th day of *August*, carry her away out of the House, without the Earl's Licence, and against his Will, to the Intent she might live an ungodly and dishonourable Life with my Lord *Grey*. And after they had thus carried her away, they obscured her in secret Places, and shifted about from place to place, and continued this Course of Life ever since. And this the Information says, is to the displeasure of Almighty God, the utter Ruin of the Young Lady, the Grief and Affliction of her Friends, the evil Example of all others in the like Case offending, and against the King's Peace, his Crown and Dignity. To this all these Defendants have pleaded *Not Guilty*; if we shall prove them or any of them Guilty of any of the Matters charged in this Information, you shall do well to find them Guilty.

Mr. *At. Gen.* My Lord, and Gentlemen of the Jury, The Course of our Evidence will be this; That this unhappy Gentleman, my Lord *Grey*, has for four Years together, prosecuted an Amour with this Young Lady; and when it came to be detected (some little accident discovering somewhat of it) my Lady *Berkeley* did find there was some Business of an extraordinary Nature between them, and thereupon forbid my Lord *Grey* her House. My Lord *Grey* he made many pretences to my Lady, that he might come to the House to give them a Visit before he departed, being to go into the Country; and he takes that Opportunity to settle this matter of conveying the Young Lady away in a very short time. And early on the *Sunday* Morning, she was, by *Charnock*, another of the Defendants, conveyed from the House of my Lord *Berkeley*, at *Epsom*, and brought here to *London*. We shall in the Course of our Evidence, shew how she was shifted from place to place, and the several pursuits that were made in

search after her. We shall discover to you, how she was hurried from one Lodging to another, for fear of Discovery. Nay, we shall prove, that my Lord Grey has owned and confessed that he had her, that she was in his Care and Custody, and that he owned the several Instances of his Amours. But I had rather the Evidence should speak it, than I open so much as the Nature of it.

Mr. Sol. Gen. My Lord, we shall call our Witnesses, who will very fully make out this Evidence, that Mr. Attorney has opened to you. That my Lord Grey did a long time make Love to this Young Lady, tho' he were before married to her Sister. This Treaty was discover'd by my Lady Berkeley, last Summer, upon an Accident of surprizing the Young Lady in writing a Letter to my Lord, and thereupon my Lady Berkeley chargeth my Lord Grey with these Applications to her Daughter that did so much misbecome him. My Lord Grey was then so sensible of his Fault, that he seem'd very full of Penitence, and assured my Lady, he would never do the like again, and earnestly desired her by all means, to conceal it from my Lord Berkeley; for if this should once come to be known to him, he and the Young Lady would not only be ruined, but it would occasion an irreparable Breach between their two Families, and of all Friendship between my Lord Berkeley and him. And therefore he desired my Lady Berkeley (who had justly forbid him her House for this great Crime) lest the World should enquire into the Causes of it, and so it should come to be known, that his Banishment from her House, might not be so soon or sudden: But he begged of her Ladiship, that he might be permitted to make one Visit more, and with all the Protestations in the World assured her, it was not with any purpose of Dishonour, that he desired to come and see her, but that his Departure might be by degrees, and

and so the less taken notice of. When my Lady had thus charged my Lord, with his unworthy Carriage to her Family, and he had seem'd thus penitent for it; she charges her Daughter also, with her giving any allowance to these undecent Practices of my Lord's; she thereupon falls down on her Knees to her Mother, to ask her Pardon for her great Offence, and with Tears in her Eyes, confess'd she had done very much amiss, and did humbly hope she might obtain her Forgiveness for it, being Young, and seduc'd by my Lord Grey, and promised she would see him no more, nor have any thing more to do with him. My Lord Grey he is permitted to come once more to the House, upon those Asseverations and Promises of his, that it should be with no dishonourable purposes in the World. It was, it seems, in his way to his own House at *Sussex*, but coming thither, he takes an occasion to continue there, and stay a little too long for a Visit; whereupon my Lady *Berkeley* began to suspect it was not a transient Visit he came to make at her House, but that he had some ill design in prosecution of the same Fault that he had been so long Guilty of. And that Suspicion of her's was but too well grounded, as appear'd afterwards. Our Witnesses will tell you, that my Lord Grey, just before his Departure, was observed to be very solicitous and earnest with his Man *Charnock* (whom we shall prove by undeniable Evidence, to be the Man that convey'd her away) giving him some Directions with great earnestness, what to do was indeed not heard, but the Event will plainly shew it. For my Lord Grey himself, he went on his Journey into *Sussex*, and lay at *Guilford* that Night she was carried away, and the next Morning she was missing. Thereupon my Lady sends after my Lord Grey, justly suspecting him to be guilty of this Violence and Outrage offered

offered to her Daughter and Family, and they overtook him at *Guilford* before he was got any further on his Journey, and there acquaint him the Lady was carried away, and that my Lady suspected (as well she might) he knew whither. Then immediately he makes haste up to Town, and writes my Lady a Letter, that truly he would take care to restore Peace to the Family, that by his Folly had been so much disturbed: And there were some hopes of retrieving the matter, that this Scandal upon so noble a Family, might not be made publick; for certainly an Offence of this Nature was not fit should be so, nor indeed was ever heard of in any Christian Society; I am sure, I never read of any such Cause in the Courts of Law. And it was impossible any way to have prevented the Scandal, but that which my Lady took, to pass over all, by desiring to have her Child restored again to her, before such time as it was gone so far, as there is too great Reason to suspect it now is. But after that, my Lord *Grey* was so far from performing what he had so solemnly promised, and making the matter up, that he stood upon Terms; he was Master of the Lady, and he would dispose of her as he thought fit: Third Persons and Places must be appointed where she must be disposed of; with Capitulations, that he should see her as often as he thought fit; which was (if possible) a worse Indignity than all that he had done before.

We shall prove to your Lordship, that he did a long time before this Violence was offered, make applications to this Young Lady, and that must (as any Man will believe) be upon no good Account. We shall shew all the base Transactions in carrying away the Lady, after that Confidence which my Lady reposed in his Protestations to do nothing dishonourably, so as to admit him to make a Visit; which certainly was the greatest Breach of the

the very Laws of Humane Society, against all the Laws of Hospitality, besides the great transgression of the Laws of God and Men. Yet even then, he seduced the Lady away. For we shall plainly prove she was carried away by his Coach-man that once was, afterwards his Gentleman, and how she was from time to time conveyed to and fro.

Mr. Serj. *Jefferies*. This Story is indeed too melancholy to be often repeated, the Evidence had better tell it: Only this one Aggravation I would take notice of, which will be made out in the proof to you of this matter Charged; and that is this, That my Lord Grey, after such time as it was known she was in his Power, gave one Reason for his not delivering her up (and I am sorry to see his Lordship should think it a Reason) he had enquired how far the Law would extend in such a case, and that he knew, and could give a Precedent for it (which the Witness will tell you of) that the Law could not reach him; and that as long as he had run such a Course for obtaining that which was his greatest Pleasure, he would not now part with her, but upon such Terms, that he might have access to her when he pleased. To such a height of Confidence was this Gentleman arrived, in this Barbarous and Infamous Wickedness. But as I said, it is a Story too black to be aggravated by any thing but by itself: we shall therefore call our Witnesses and prove our Fact.

About this time the Lady Henrietta came into the Court, and was set by the Table at the Judges Feet.

Earl of *Berkeley*. My Lord, my Daughter is here in Court, I desire she may be restored to me.

Mr. Serj. *Jefferies*. Pray, my Lord *Berkeley*, give us leave to go on, it will be time enough to move that anon. Swear my Lady *Berkeley* — (which
was

was done, but she seem'd not able to speak.) —————

Mr. Sol. Gen. I perceive my Lady is much moved at the sight of her Daughter. Swear my Lady Arabella her Daughter. *Which was done.*

Mr. Serj. Jefferies. Pray, Madam, will you acquaint my Lords the Judges and Jury, what you know concerning the Letter you discovered, and how you came by that discovery.

Lady Arabella. My Mother coming to my Lady Harriett's Chamber, and seeing there a Pen wet with Ink, examined her where she had been writing. She, in a great Confusion, told her she had been writing her Accounts. My Mother not being satisfied with her Answer, commanded me to search the Room. Her Maid being then in the Room, I thought it not so much for her Honour to do it then. I followed my Mother down to Prayers; after Prayers were done, my Mother commanded my Lady Harriett to give me the Keys of her Closet and her Cabinet. When she gave me the Key, she put into my Hands a Letter, which was written to my Lord Grey, which was to this effect. ——— My Sister Bell did not suspect our being together last Night, for she did not hear the Noise. Pray come agen Sunday or Monday, if the last, I shall be very impatient. ——— I suppose my Lady Harriett gave my Lord Grey Intelligence that this was found out; for my Lord Grey sent his Servant to me, to acquaint me he desired to speak with me. When he came in first, she (I mean my Lady Harriett) fell down upon the Ground like a Dead Creature. My Lord Grey took her up, and afterwards told me, said he, *You see how far it is gone between us*; and he declared to me, he had no Love, no Consideration for any thing upon Earth but for her; *I mean dear Lady Hen*, said he to me; for I say it just as he said it. And after this, he told me, he would be revenged of all the Family, if they did expose her. I told him it would do us no Injury,

jury, and I did not value what he did say ; for my own particular, I defied him and the Devil, and would never keep Counsel in this Affair. And afterwards, when he told me he had no Love, no Consideration for any thing upon Earth but her, I told my Lady Harriett, *I am very much troubled and amazed, that you can sit by and hear my Lord Grey say and declare, he has no Love for any but you, no Consideration for any one upon Earth but you, when it so much concerns my Sister ; for my part, it stabs me to the Heart, to hear him make this Declaration against my poor Sister Grey.*—

Here she stopt a while.

Mr. Serj. Jefferies. Pray go on Madam.

Lady Arabella. After this she said nothing ; I told her I suspected my Woman had an Hand in it, and therefore I would turn her away. This Woman, when my Lady Harriett ran away, being charged with it, swore she had never carried any Letters between them ; but after my Mother's coming to London, both the Porter at St. John's, and one Thomas Plomer accused her that she had sent Letters to Charnock, who was my Lord Grey's Coach man, now his Gentleman. I told her then, I did much wonder, she being my Servant, should convey Letters between them without my knowing : She then confess'd it to me, but withal she told me, *How could I think there was any ill between a Brother-in-Law and a Sister.* And upon this she confess'd to me she had sent Letters to Charnock, tho' before she had forsworn it.

Mr. At. Gen. Madam, have you any thing further to testify in this Cause ? have you any Matters that you remember more ?

Lady Arabella. There is more of it to the same effect ; but all of it is only to this effect.

L. C. J. My Lady Arabella, pray let me ask you have you any more to say to this Matter ?

Lady

Lady Arabella. It is all to this purpose.

Mr. Serj. Jefferies. Then if you please, Madam, to turn now your Face this way towards the Gentlemen of the Jury, who have not heard what you said, and give them the same relation that you gave to the Court; and pray be pleased to lean over the Seat, and expose your self a little, and let them have the same Story you told before, and pray tell the time when it was.

[Then she turned her Face towards the Bar.]

Lady Arabella. It was in July, Sir.

Mr. Serj. Jefferies. Pray, Madam, tell what happen'd then.

Lady Arabella. In July last, some time then, my Mother came into my Lady Harriett's Chamber, and seeing a Pen wet with Ink, she examined her who she had been writing to. She, in great Confusion told her, she had been writing her Accounts, but my Mother was not satisfied with that Answer. — The sight of my Lord Grey doth put me quite out of Countenance and Patience. —

[Here she stopt again.]

[My Lord Grey then was by the Clerks under the Bar, and stood looking very stedfastly upon her.]

L. C. J. Pray, my Lord Grey, sit down (*which he did*) it is not a very extraordinary thing, for a Witness, in such a Cause, to be dashed out of Countenance.

E. of Berkeley. He would not, if he were not a very impudent barbarous Man, look so confidently and impudently upon her.

Mr. Serj. Jefferies. My Lord, I would be very loth to deal otherwise than becomes me, with a Person of your Quality, but indeed this is not so handsome, and we must desire you to sit down. Pray go on Madam.

Lady Arabella. After this, my Mother commanded me to search my Lady Harriett's Room; her

Her Maid being then in the Room, I thought it not so much for her Honour to do it then. I followed my Mother down to Prayers. After Prayers were done, my Mother commanded my Lady Harriett to give me the Keys of her Cabinet and of her Closet, and when she gave me the Keys, she put a Note into my Hand, which was to my Lord Grey; and that was to this Effect—*My Sister Bell did not suspect our being together last Night, for she did not hear any Noise: Pray come again Sunday or Monday, if the last, I shall be very impatient.*—I suppose my Lady Harriett gave my Lord Grey intelligence of this, for he sent a Servant to tell me he desired to speak with me. Upon his first coming in, my Lady Harriett fell upon the Ground like a Dead Creature; my Lord Grey took her up, and said, *Now you see how far it is gone between us: I love nothing upon Earth but her, I mean dear Lady Hen, said he to me, and if you do expose her, I will be revenged upon you and all the Family, for I have no Consideration for any thing but her.* After that I told him, We defied him, he could do us no Injury; and for my own particular, I defied him, and the Devil and all his Works, and would not have any thing to do with such a Correspondence. After this, I told my Lady Harriett, I was much troubled and amazed, that she should sit by and hear my Lord Grey, her Brother-in-Law, say he had no Consideration for any thing on Earth but her. *For my part, said I, Madam, it stabs me to the Heart, to hear this said against my poor Sister Grey.* I told her I suspected my Woman had an Hand in this Affair, and therefore I would put her away. Afterwards, the same Day my Lady Harriett run away, this Woman came to me; and I then told her, *You have ruined her, and asked her, Why would you send Letters between my Lord Grey and my Lady Harriett? She denied it, and swore she never did it, but when we came to London, the Porter of St.*

John's

John's came and accused her of conveying Letters to *Charnock*, my Lord Grey's Gentleman, formerly his Coach-man. I then asked her again about it; she then acknowledged to me she had done it, *But Madam*, said she, *how could I think there could be any prejudice or ill between a Brother-in-Law and a Sister-in-Law.* Said I, *were not you my Servant? why did you not tell me? besides, you know we have all reason to hate Charnock for a great many things.* This is all I have to say that is material, all else is to the same effect.

Mr. Serj. *Jefferies*. Now this Matter being thus discovered to the Countess of *Berkeley*, this unfortunate Young Lady's Mother; she sent for my Lord Grey, and we shall tell you what happened to be discoursed between them two, and between the Lady and her Mother, and what promises of amendment he made. My Lady *Berkeley*, pray will you tell what you know.

[*She seem'd unable to do it.*]

— She is very much discomposed, the sight of her Daughter doth put her out of Order.

Lady *Arabella*. I have something more to say, that is, I told my Lady *Harriett*, after my Lord Grey had made his Declaration of his Love to my Sister to me, That if ever he had the Impudence to name her Name to me, I would immediately go to my Father, and tell him all.

[*Then the Countess lean'd forward, with her Hood much over her Face.*]

Mr. At. Gen. Pray, my Lady *Berkeley*, compose your self, and speak as loud as you can.

Lady *Berkeley*. When I first discovered this unhappy Business, how my Son-in-Law, my Lord Grey, was in love with his Sister, I sent to speak with him, and I told him he had done barbarously and basely, and falsely with me, in having an Intrigue with his Sister-in-Law. That I looked upon him next my
own

own Son, as one that was engaged to stand up for the Honour of my Family, and instead of that, he had endeavour'd the Ruine of my Daughter, and had done worse than if he had murdered her, to hold an Intrigue with her of Criminal Love. He said, he did confess he had been false, and base, and unworthy to me, but he desired me to consider (and then he shed a great many Tears) what it was that made him guilty, and that made him do it. I bid him speak. He said, he was ashamed to tell me, but I might easily guess. I then said, What? are you indeed in Love with your Sister-in-Law? He fell a weeping, and said, he was unfortunate; but if I made this Business Publick, and let it to take Air (he did not say this to threaten me, he would not have me to mistake him) but if I told my Lord her Father, and his Wife of it, it might make him desperate, and it might put such Thoughts into his Wife's head, that might be an occasion of parting them; and that he being desperate, he did not know what he might do, he might neither consider Family nor Relation. I told him this would make him very Black in Story, tho' it were her Ruin. He said that was true, but he could not help it; he was miserable, and if I knew how miserable I would pity him: he had the Confidence to tell me that. And then he desired, tho' he said I had no reason to hear him, or take any Counsel he gave me (and all this with a great many Tears) as if he were my Son Dursley, that I would keep his Secret. *For my Lord, if he heard it, would be in a great Passion, and possibly, he might not be able to contain himself, but let it break out into the World. He may call me Rogue and Rascal perhaps in his Passion,* said he, *and I should be sorry for it, but that would be all I could do, and what the evil consequence might be, he knew not, and therefore it were best to conceal it. And after many words to pacify me, tho' nothing, indeed, could be sufficient*

for the Injury he had done me; he gave it me as his Advice, that I would let my Daughter *Harriett* go abroad into Publick Places with my self, and he promised, if I did, he would always avoid them. For a Young Lady to sit always at Home, he said, it would not easily get her out of such a thing as this. And upon this, he said again, he was to go out of Town with the D. of M. in a few Days, and being he had been frequently in the Family before, it would be looked upon as a very strange thing, that he went away, and did not appear there to take his Leave. He promised me, that if for the World's sake, and for his Wife's sake (that no one might take notice of it) I would let him come there and sup before he went into the Country, he would not offer any thing, by way of Letter, or otherwise, that might give me any Offence. Upon which I did let him come, and he came in at Nine a Clock at Night, and said, I might very well look ill upon him, as my Daughter also did (his Sister *Bell*) for none else in all the Family, knew any thing of this Matter but she and I. After Supper he went away, and the next Night he sent his Page (I think it was) with a Letter to me, he gave it to my Woman and she brought it to me; where he says that he would not goe out of Town.—If your Lordship please I will give you the Letter——But he said, he fear'd my apprehensions of him would continue.—There is the Letter.

L. C. J. Show it my Lord Grey, let us see if he owns or denies it.

Lord Grey. Yes, pray do, I deny nothing that I have done.

Mr. Just. Dolben. Be pleased, Madam, to put it into the Court.

Mr. At. Gen. It is only about his keeping away.

L. C. J. Shew it my Lord Grey.

Mr.

Mr. Serj. Jefferies. With Submission, my Lord,
It is fully proved without that.

L. C. J. Then let the Clerk read it, Brother:

Cl. of the Crown. There is no Direction, that I
see upon it, it is Subscribed Grey.

[Reads.]

M A D A M,

AFTER I had waited on your Ladiship last Night;
Sir Thomas Armstrong came from the D. of M:
to acquaint me that he could not possibly go into Suffex;
so that Journey is at an end. But your Ladiship's apprehensions of me I fear will continue; therefore I send this to assure you, that my short stay in Town shall no way disturb your Ladiship; if I can contribute to your Quiet, by avoiding all places where I may possibly see the Lady. I hope your Ladiship will remember the promise you made to divert her, and pardon me for minding you of it, since it is to no other end that I do so, but that she may not suffer upon my Account: I am sure if she doth not in your Opinion, she never shall any other way. I wish your Ladiship all the Ease that you can desire, and more quiet Thoughts than ever I expect to have. I am, with great Devotion,

Your Ladiships,
Most Humble, and
Obedient Servant,
Grey.

Mr. At. Gen. Madam, will you please to go on with your Evidence.

Lady Arabella. I have one thing more to say, After this, three or four Days after this ugly Business was found out, I told my Lady Harriett, she was to go to my Sister Dursley's. She was in a great Anger and Passion about it, which made my Mother so exasperated against her, that I was a great while before I got my Mother to go near her again:

Mr. Serj. *Jefferies*. My Lady *Berkeley*, will you please to go on.

Lady *Berkeley*. When I came to my Daughter (my wretched unkind Daughter, I having been so kind a Mother to her, and would have died rather (upon the Oath I have taken) then have done this, if there had been any other way to reclaim her, and would have done any thing to have hid her Faults, and died ten times over, rather than this Dishonour should have come upon my Family.) This Child of mine, when I came up to her, fell into a great many Tears, and begged my Pardon for what she had done, and said, she would never continue any Conversation with her Brother-in Law any more, if I would forgive her ; and she said all the things that would make a tender Mother believe her. I told her, I did not think it was safe for her to continue at my House, for fear the World should discover it, by my Lord *Grey's* not coming to our House as he used to do ; and therefore I would send her to my Son's Wife, her Sister *Dursley*, for my Lord *Grey* did seldom or never visit there, and the World would not take notice of it. And I thought it better and safer for her to be there with her Sister, than at home with me. Upon which this ungracious Child wept so bitter'y, and begg'd so heartily of me that I would not send her away to her Sister's, and told me it would not be safe for her to be out of the House from me. She told me, she would obey me in any thing ; and said, she would now confess to me, tho' she had denied it before, that she had writ my Lord *Grey* word that they were discovered, which was the reason he did not come to me upon the first Letter that I sent to him to come and speak with me. And she said so many tender things, that I believed her Penitent, and forgave her, and had Compassion upon her, and told her (tho' she had not deserved so much from me) she

she might be quiet (seeing her so much concerned) I would not tell her Sister *Dursley* her Faults, nor send her thither, till I had spoken with her again. Upon which, she, as I thought, continuing Penitent, I kissed her in the Bed when she was Sick, and hoped that all this ugly Business was over, and I should have no more Affliction with her, especially if my Lord removed his Family to *Durdants*, which he did. When we came there, she came into my Chamber one Sunday Morning before I was awake, and threw her self upon her Knees, and kissed my Hand, and cried out. *Oh Madam! I have offended you, I have done ill, I will be a good Child, and will never do so again; I will break off all Correspondence with him, I will do what you please, any thing that you do desire.* Then, said I, I hope you will be happy, and I forgive you. *Oh! do not tell my Father* (she said) *let not him know my Faults.* No, said I, I will not tell him; but if you will make a Friend of me, I desire you will have no Correspondence with your Brother-in-Law; and tho' you have done all this to offend me, I will treat you as a Sister more than as a Daughter, if you will but use this Wicked Brother-in-Law as he deserves. I tell you, that Youth and Vertue and Honour, is too much to sacrifice for a base Brother-in-Law. When she had done this, she came another day into my Closet and there wept very much, and cry'd out, *Oh Madam! 'tis he, he is the Villain that has undone me, that has ruined me.* Why? said I, What has he done? *Oh! said she, he hath seduced me to this.* *Oh! said I, fear nothing, you have done nothing I hope that is ill, but only bearkning to his Love.* Then I took her about the Neck and kissed her, and endeavoured to comfort her. *Oh Madam! said she, I have not deserved this kindness from you; but 'tis he, he is the Villain that hath undone me; But I will do any thing that you will command me to do; if ever he send me any Letter, I will bring it to you unopened; but pray do not tell my Father of my Faults.* I promised her I would

not, so she would but break off all Correspondence with him. —

[*Here she swooned, and soon after recovered and went on.*]

—Then my Lord Grey's Wife, my Daughter Grey, coming down to *Durdants*, he was to go to his own House at *Up-Park* in *Sussex*, and he writ down to his Wife to come up to *London*. — It is possible I may omit some particular things that were done just at such or such a time, but I speak all I can remember in general. My Lord Grey, when I spoke to him of it, told me, he would obey me in any thing, if I would banish him the House he would never come near it; but then he pretended to advise me like my own Son, that the World would take notice of it, that therefore it would be better for me to take her abroad with me, he would avoid all places where she came, but he thought it best for her not to be kept too much at Home, nor he be absolutely forbid the House, but he would by degrees come seldomer, once in six Weeks or two Months. But to go on to my Daughter Grey's coming down to *Durdants*; he writing to his Wife to come up to *London*, that he might speak to her before he went to his own House at *Up-Park*, my Daughter Grey desired he might come thither, and it being in his way to *Sussex*, I writ him word, that believing he was not able to go to *Up-Park* in one Day from *London*, he might call at my Lord's House at *Durdants*, and dine there by the way, as calling in, intending to lie at *Guilford*, for it is just the half way to *Guilford*. He, instead of coming to Dinner, came in at Nine a Clock at Night (I am sure it was so much) for it was so dark, we could hardly see the Colour of his Horses, from my Lord's great Gate, to the place where we were in the House. And coming at that time of Night, I thought if I turned him out of the House, my Lord would wonder at it, and so would all the Family. Therefore I was forced, as

I then thought, in point of discretion, to let him lie there that Night, which he did, and he told me, *Madam, I had not come here, but upon your Ladiship's Letter, nothing else should have brought me: Because I was to give him leave to come, knowing the Faults he had committed against the Honour of our Family.* Upon which I told him, *My Lord, I hope you have so much Honour and Generosity in you, after the Promises you have made me, and the Confidence and Indulgence I have shewn you, that you will give my Daughter no Letters, and I will look to her otherwise, that you shall have no Conversation with her.* He desired me to walk up with him into the Gallery, and there he told me he had brought no Letters, and would have had me looked in his Pocket. I told him that would be to no purpose, for his Man Charnock (whom we knew he did not prefer from being his Coachman to be his Gentleman, but for some extraordinary Service he did him, or he thought he would do him) might have Letters enough, and we be never the wiser: But I trusted to his Honour and his Christianity; and I told him, that his going on in any such way would be her utter Ruin. He told me, he would not stay there any longer than the next Day; nay, he would be gone immediately if I pleased, and he sent his Coach to *London*, and had nothing but Horses left. But his Wife desiring her Husband to stay, I had a very hard Task to go through, being earnestly prest, both by her and my own Lord's importunities for his stay. But my Lord Grey, whilst he was there, did entertain me with his Passion; he had the Confidence to do it; and he wished himself the veriest Rake-hell in the World, so he had never seen her Face since he was married. And, said he, *Madam, you will always think me a Villain, and never have a good Opinion of me, I shall be always unfortunate, both in my self, and your bad Opinion of me.* Seeing this, I thought it was time to do something

more ; and I told him that Night he should stay no longer, he should be gone ; and his Wife seemed to be much concerned and would fain have him stay. For by this time she began to find out that there was some disorder in her Mother and the Family, tho' she knew not what it was ; and she sent her Sister *Lucy* to beg he might stay : I told her I would not suffer it : However, she proposed an Expedient how her Sister *Harriett* should take Physick, and keep her Chamber while he was there. That I was in a sort compelled to do, and I told him, upon their importunity for his stay, that his Sister *Harriett* should be seen no more by him, but take Physick while he stayed there : To which he replied, *Madam, indeed it is rude for me to say it to you, but I must say it, give me my Choice, either to be drown'd or hanged.* Upon this I was extremely disturbed, and the next Morning, I told him, I was not satisfied he should stay in *England* ; he had ordered his Wife to go into *France*, and she was to go within a Month after, I would have him go with her ; he told me, he had Law Suits and he could not : I told him, he had told me before, they were of no great consequence, and therefore they could not hinder him ; and I pressed him very much, and I fell into a great Passion at last ; and I told him, if he would not go, I would tell her Father, and he should take care of her, to send her where she should be safe enough from him. For I was sensible the World would take notice if he came not thither ; and said I, *I am not able to bear you should.* Upon this, he promised me with all the Oaths, Imprecations and Promises in the World, that he would go and follow his Wife into *France* at *Christmas*, and stay there Eight Months ; and by that time, I did hope this unfortunate miserable Business might be over : For I had a great kindness for my Child, and would have done any thing to save her, if it had been in my Power, or would yet do

do any thing : I would give my Life that the World did not know so much of it as now it must this Day. The World knows I had always the greatest kindness and tenderness for her, which was such, that some that are now here have said since, that it was my indulgence to her, and not making it known to my Lord, that encouraged this last ill Business. And thereupon my Lord Grey was ordered by me to go away, and he promised me so to do, which was upon *Saturday*. I then went up to her Chamber and saw her very Melancholly, and did what I could to Comfort her. Said I, *I warrant you, by the Grace of God, do but do what you ought, and I will bring you off of this Business, be chearful, and be not so much cast down* (for I thought she was troubled at my carriage to her) *and tho' I said some severe things to you at Dinner* (as I did talk of her going away and being sent abroad) *be not troubled, for I only meant it out of Kindness to you ; for all I design, is only to seek an occasion of getting him away ; and therefore, as long as he stays, I will seem to whisper with you, and look frowningly upon you, that if he hath any tenderness for you, he may see I am angry with you, and do the more to leave you at quiet : But take no notice of it, for I now smile to you, tho' I frowned before him, be not affrighted.* In the Afternoon I told her the same thing again. But then, said she, *he will shew my Letters to him, and that will ruine my Reputation for ever, and that troubles me, but yet it need not, for I never writ to any Man but him, and if he doth shew them, he will expose himself for a base unworthy Man, and I can but deny it and he can never prove it.* This is true, said I, and very well said, and therefore be not afraid of him, but trust to the Friendship of your Mother, and do as you ought to do, and I am confident we shall bring you clear off from this ugly Business. And then, said she, *But oh Madam ! my Sister, my Sister Grey, will she forgive me this ?* I told her, her Sister Grey was good natured and religious, and I made

made no doubt she would forgive her the Folly of her Youth, and if she would take up yet, she was young, and her Sister would impute it to that, and said I, *I am sure she will forgive you*; and I told her, I would do all that lay in my power to assist her; and I bid her be chearful and trust in God and in my Friendship. She was to blame, indeed, she acknowledged, but she was young, and he was cunning, and had made it his Business to delude and intice her. I told her it was true, and therefore now she must consider with her self, what was to be done to bring her off; which I doubted not, if she would do but as she ought; she promised me so to do; and yet that very Night when I was in my Sleep she ran away. —

[*Here she swooned again.*]

Mr. Serj. *Jefferies*. What time went my Lord Grey away, Madam, that day?

Lady *Berkeley*. He went away about four a Clock in the Afternoon.

Mr. Serj. *Jefferies*. And the ensuing Night the Lady was gone?

Lady *Berkeley*. Yes, that Night she went away too.

Mr. Serj. *Jefferies*. My Lord, I crave leave to acquaint you with one Circumstance, that has been already hinted, that is about *Charnock*, a Person that is taken notice of by both the Ladies that have given Evidence, and one of the Defendants in this Information. This Man, as they seem to intimate, for some extraordinary Service he had done my Lord Grey, or was designed for the doing of, was removed from the Degree of his Coach-man, to the waiting upon him in his Chamber. He at this time came with my Lord Grey to *Durdents*, a House of my Lord *Berkeley's* near *Epsom*, and which was in the way to my Lord Grey's House in *Sussex*, that is called *Up Park*. And they being there, notwithstanding all those

those Proteſtations and Promiſes made by my Lord Grey to his Lady Mother, as you have heard, to meddle no more in this matter, yet we ſhall give you an account, how that the Day before the Night that the Young Lady went away, my Lord Grey was very importunately buſie with his Man *Charnock*; what Diſcourſes they had, or what directions he gave him perhaps may not be known; but his earneſtneſs in talking with him, and his impatience and reſtleſſneſs we ſhall prove; and then give you a very full proof that *Charnock* was the Perſon that took her away; and then let the Jury and the Court make the Concluſion.

Mr. Att. Gen. It may be, my Lord, we ſhall not be able to prove the actual taking away from thence, but only by undeniable Circumſtantial proof. Such Impieties uſe not to be acted openly.

L. C. J. Truly, as far as I can ſee, here has been more done barefaced, than one would think ſhould be done in any Chriſtian Nation.

[Then a Clergyman that ſtood by was ſworn, but his Name not told.]

Mr. Serj. Jefferies. Pray, Sir, will you tell my Lord and the Jury what you know.

Mr. — My Lord, I was at *Durdants*, my Lord Berkeley's Houſe near *Epfom* in *Surry*, at the time of this ill Accident, and ſome time after. And upon the *Saturday* in the afternoon I was (immediately after Dinner was over at my Lord's own Table) walked into the great pav'd Hall; and ſtood in the Door that looked towards the *Downs*; and my Lord Grey came into the Hall alone, and walked three or four times very thoughtfully, and then leaned upon the Window, and often looked upon the Ground, and within a little while he ſteps into the *Stewards Hall*, where the Gentlemen were at Dinner, and he calls to *Charnock*, who came out to him. He takes him out of the Hall to the Foot of the *Sair-Caſe*,
and

and there they talked together a great while, and after some time my Lord Grey went away, and Charnock did so too, I think to his Dinner again, I cannot tell any thing to the contrary. The Reflection I made upon this Passage then was, That my Lord Grey was very punctual in giving his Servant Orders, which I thought he was to carry to London with him, but I suspected nothing of this matter, nor any thing else that was ill then. Mr. Charnock then passing by me, said I, Mr. Charnock, *how long will it be before you are going?* He made me no Answer, not one word. Thereupon I went into the Library, and between that and Mr. Charnock's Chamber there was but a very thin Wall, and presently after I came into the Library, my Lord Grey sent one (as the Messenger said) for Mr. Charnock, and he went down to him, as I suppose, and in a little time came up again. And after that, I do believe I did hear another Messenger come from him to Mr. Charnock again, I will not Swear that, for I am not sure of it; because being at that time busy in reading, I made no Reflection upon it till afterwards. But about a Fortnight or three Weeks after, there comes a Gentleman to see me at my Lodgings, and falling into discourse what News there was; our first discourse was of the Ladies being missing; he said, it would be sad he feared when she was heard of. *Why,* said I, *what do you mean?* *I suppose Mr. Forrester and she are together,* for that was the talk of the Town. *No,* said he, *it is no such thing; but if you will make it a Secret, unless it comes to be made a publick Business, I will tell you; I do not doubt my Lord Grey carried her away with a design to debauch her. That is hard to be believed,* said I, *I cannot believe it.* *Why,* said he, *you were there when he went away?* *Yes,* said I, *but how long was that before the Lady was missing?* said he, *It was that Afternoon.* Then came into my Mind, his earnest discourse with Charnock, and that which I observed about

bout it, and the sending so often for him ; and I told that Person of it. *Why*, Charnock, said he, *was the Man that took her away.*

Mr. Serj. *Jefferies*. Who was it that said so to you, Sir ? name him.

Mr. ——— Mr. Rogers, my Lord Berkeley's Chaplain.

Mr. Serj. *Jefferies*. If your Lordship please to observe the particular times, when my Lord Grey was so earnest in giving Charnock directions, that was on the *Saturday* at Noon, and it was that Night the Young Lady went away.

L. C. J. When came, my Lord Grey to my Lord Berkeley's ?

Mr. Att. Gen. The *Tuesday* or *Wednesday* before, I think, some Days it was.

Mr. Serj. *Jefferies*. But upon the *Saturday* Night it was she went away ; this unfortunate Lady that we have produced, her Mother, and so the Lady her Sister, spoke both of their fears of Charnock. Now we shall prove, that this Charnock was on the *Sunday* Morning, at Eight of the Clock in the Morning here in *London*, with a Young Lady, in what habit that Young Lady was our Witnesses will tell you ; and others will give you an account what Habit this Lady went away in, and then it will be seen who she was. Call *Eleanor Hilton*.

Mr. Att. Gen. But if you please, Mr. Serjeant, I think it will be proper first to examine my Lady Lucy, who upon the missing this Young Lady followed my Lord Grey to *Guilford*, and overtaking him, acquainted him with it, and immediately he took Post and came to *London*. Pray Swear my Lady Lucy.

[Which was done, she being in a Box by the Bar.]

L. C. J. Well what do you ask that Lady ?

Mr. Serj. *Jefferies*. We produce her, my Lord, to hear what past between her and my Lord Grey at *Guilford*. Pray, Madam, will your Ladiship acquaint

quaint the Court what occasion you had to go to *Guilford*, and what you said to my Lord Grey, and what he said to you, and did afterwards.

Lady *Lucy*. My Lord, as soon as my Lady *Harriett* was missing, supposing my Lord Grey could best give an account where she was, I went after him to *Guilford*, and he was gone half an Hour from thence before I came thither, but by sending Post after him, he was overtaken and came back to me. I told him my Lady *Harriett* was gone away, and I conjured him by all that was sacred and dear to him, to prevent so great a misfortune as this would be to the Family. He then pretended he did not know any thing of her going, but promised me, that if he could find her out, he would endeavour to persuade her to return Home, but he would not force her. After several Discourses, which it is impossible for me to remember particularly (saying that he had done nothing that was illegal, and if she did not any thing, we could do nothing against him;) He, at last parted from me, to go to *London*, as I suppose. I begged of him, that I might be permitted to go along with him, that I might speak to her, supposing I might retrieve this Business, and recover her, before it were gone too far, but he denied it me, and went away. After that I met him, a Day or two after, I think, I cannot tell justly the time, and he pretended, he did not know where she was, but only he knew where to send to her; and he would do all he could to get her to return Home. He was sensible of what a Misfortune this was to the Family. But soon after, he went to *Up Park* again, as he said, to shew us that he was not with her. And he afterwards writ me a Letter, wherein he says, he could not persuade her to come Home, but the Conclusion of it was, "He would do all he could to restore peace and quiet to the Family, which by his Follies were so miserably disturbed."

Lady

Lady *Arabella*. My Lord, I desire to speak one thing, About six Weeks ago I met my Lord *Grey*, at my Lord Chief Justice's Chamber, and he told me, he had my Lady *Harriett Berkeley* in his Power, or in his Protection, or to that effect, he said.

Mr. *Att. Gen.* Pray tell, Madam, when that was?

Lady *Arabella*. About six Weeks ago, I cannot justly say the Day.

Mr. *Serj. Jefferies*. But if your Ladiship pleases, my Lady *Lucy*, it will very much satisfy the Jury, if you would shew the Letter you speak of.

Mr. *William's*. Ay, pray Madam, shew the Letter.

Lady *Lucy*. It was a Letter before that, which he writ to me at *Durdants*.

L. C. *J.* When was that Letter you speak of written.

Lady *Lucy*. About a Week after my Sister was gone, I cannot exactly remember the Day,

Mr. *Williams*. Pray, Madam, can you produce that Letter?

Lady *Lucy*. No, I have it not here.

Mr. *Serj. Jefferies*. Then swear *Eleanor Hilton*:

[Which was done.]

Mr. *Sol. Gen.* Is your Name *Eleanor Hilton*?

Mrs. *Hilton*. Yes, it is, Sir.

Mr. *Att. Gen.* Pray speak out, that my Lord and the Jury may hear you. Do you remember the 20th of *August* last? did *Charnock* come to your House with a Young Lady? did you see her, and what time of the Day was it?

Mrs. *Hilton*. I cannot tell what Day of the Month it was.

Mr. *Serj. Jefferies*. What Day of the Week was it?

Hilton. It was on a *Sunday*.

Mr. *Sol. Gen.* What Month was it in:

Hilton. I cannot tell, truly.

Mr.

Mr. Serj. *Jefferies*. About what time of the Year was it?

Hilton. About eight or nine Weeks ago, or something more.

Mr. Serj. *Jefferies*. Well, what did you see then?

Hilton. There was a Young Lady that came to our House, she came of her self, *Charnock* he was not with her; he came before indeed, and asked me if I had any Room to spare, and I shewed him what we had; he went away, and I saw no more of him; afterwards, as I said, she came; but who she was, or what she was I cannot tell.

Mr. Serj. *Jefferies*. Can you describe her Cloaths?

Hilton. She had a Coloured Night-Gown on, of several Colours; I cannot say what particular Stuff it was: And she had a Petticoat on White and Red.

Mr. Serj. *Jefferies*. Did you see her Face?

Hilton. I cannot say I did fully.

Mr. Att. Gen. Do you think you should know her again, if you should see her?

Hilton. I cannot say that.

Mr. Serj. *Jefferies*. (to the Lady Harriett) Pray, Madam, will you stand up a little, and turn up your Hood. [Which she did.]

Hilton. Truly, I cannot say that is the Lady.

Mr. Att. Gen. Do you believe it was she?

Hilton. I cannot say it, truly.

Mr. Att. Gen. Have you seen her Picture since, and is this Lady like that Picture?

Hilton. Mr. Attorney. She says, she cannot say it is the same Lady.

Mr. Sol. Gen. Pray Mrs. to what purpose was she brought to your House?

Hilton. They did not tell me that.

Mr. Att. Gen. Was it not to lodge there?

Hilton. She staid there but a while, and went away again.

Mr.

Mr. Att. Gen. Whither did she go then ?

Hilton. To one Patten's in Wild street.

Mr. Serj. Jefferies. You went with her Mrs. did not you ?

Hilton. Yes, I did so.

Mr. Serj. Jefferies. Pray, was there any Letter or Note brought to your House for Charnock ?

Hilton. Yes, I brought it to Mrs. Charnock.

Mr. Serj. Jefferies. Did you hear any Reason given for her removal from your House ?

Mr. Att. Gen. Pray did she go to Bed at your House ?

Hilton. She did lie down.

Mr. Serj. Jefferies. What time of the Day was it ?

Hilton. About Nine or Ten a Clock in the Morning.

Mr. Sol. Gen. Pray, did she say she had been at Church, or what did she say ?

Hilton. She said somewhat to that purpose, she said she was weary.

Mr. Serj. Jefferies. What Company came to the Lady, while she was at your House ?

Hilton. No body but Mrs. Charnock.

Mr. Serj. Jefferies. Did you see Mrs. Charnock in her Company ?

Hilton. Yes.

Mr. Serj. Jefferies. You saw her come in to her ?

Hilton. Yes.

Mr. Serj. Jefferies. Did she behave her self to her, as to a Lady of Quality ?

Hilton. I cannot tell that, truly.

Mr. Serj. Jefferies. Why, How did she carry it to her ?

Hilton. Whether she was in Bed or no, I cannot tell ; but when she came in, the Young Lady said, How do you Mrs. Charnock ? she said, Your Servant, Madam, or to that purpose, I cannot exactly tell.

Mr. Serj. Jefferies. You brought the Note to Mrs. Charnock, you say ?

D

Hilton,

Hilton. Yes.

Mr. Att. Gen. Did she stay at *Mrs. Patten's* after that?

Hilton. I suppose she might.

Mr. Sol. Gen. Pray recollect your self a little, and tell us what Colour was her Manteau?

Hilton. Truly, it was all manner of Colours, Red, and Green, and Blue, and I cannot tell what Colours.

Mr. Att. Gen. What coloured Petticoat?

Hilton. Red and White.

Mr. Sol. Gen. How long after this, did you hear my Lord *Berkeley's* Daughter was missing?

Hilton. A while after.

Mr. Att. Gen. How long? was it that Week?

Hilton. I cannot tell, it was not long after.

Mr. Att. Gen. Was it the same Lady that came to your House in those Cloaths, that went to *Patten's* at Night?

L. C. J. Why. She says she went with her, do not examine her the same things over again.

Mr. Att. Gen. Were you Examined before, Sir *William Turner*, about this Matter?

Hilton. Yes, I was.

Mr. Att. Gen. Was it the Day of the Month you then said it was?

Hilton. I suppose it might; I cannot tell the Day of the Month.

Mr. Att. Gen. Was it the Month?

Hilton. It is like it was.

L. C. J. She has fixed it now to be about eight or nine Weeks ago.

Mr. Serj. Jefferies. did she give any Reason why she was removed?

Hilton. None at all.

Mr. Serj. Jefferies. Now, my Lord, we will bring it down to be this very Lady. My Lady *Arabella*, Pray Madam, What Cloaths did my Lady *Harriett* go away in? Lady

Lady Arabella. My *Lady Harriett* had such Cloaths as they speak of, I cannot say she went away in her Night Gown, but here is one that can : But there was a Striped Night Gown, of many Colours, Green, and Blue, and Red.

L. C. J. She does remember she had such a one, but she cannot say she went away in it.

Mr. Serj. Jefferies. Was there not a Chequer'd Petticoat Red and white ?

Lady Arabella. She had such a Petticoat, but I cannot say she went away in it ; she had also a White Quilted Petticoat.

Mr. Serj. Jefferies. Then Swear *Mrs. Doney* (*which was done*) My Lord, we call this Gentlewoman to give an Account what Habit she went away in ; for she lay with her always.

Mr. Att. Gen. Did you lie with my *Lady Harriett Berkeley*, when she stole away ?

Mrs. Doney. Yes indeed, Sir, I did lie in the Chamber that Night, and she went away with her Morning Cloaths, which lay ready for her there, against she did rise in the Morning. It was a Striped Night Gown of many Colours, and a Petticoat of White and Red ; and a Quilted Petticoat.

Mr. Att. Gen. Was she so habited, that came to the House, *Mrs. Hilton* ?

L. C. J. She has said so already.

Mr. Serj. Jefferies. Now you are pleased to observe, that besides the Circumstance of the Cloaths, there is mention made of a Note ; *Mrs. Hilton* says, she received a Letter and gave it to *Mrs. Charnock* ; and, that soon after they went to *Patten's* House in *Wild-street*. We shall call the People of that House, to give an Account what Gentlewoman it was, that came to their House. Pray Swear *Mr. Patten*. (*which was done.*)

Mr. Sol. Gen. Pray, will you tell my Lord and the Jury, whether *Mr. Charnock* and his Wife came

to your House, and with whom, and about what?

Mr. Patten. My Lord, about the latter end of July, or the beginning of August, Mr. Charnock and his Wife came to my House when we were just removed, to take some Lodgings for a Person of Quality; but they did not say who. Said I then, *We have no Lodgings now ready*; said they, *We shall not want them yet, till towards the middle of September*. Says my Wife, *I suppose by that time our House will be ready; and if it will do you any kindness you may have it*. About the 20th of August, being Sunday, Mrs. Hilton brings a Gentlewoman with Mrs. Charnock, to my House; and when they were come, they called me up, and seeing them all three there, I told Mrs. Charnock, *We have no Lodgings fit for any Body of any Quality, at present*. Says Mrs. Hilton, *Let's see the Candle*, and runs up Stairs into a Room where there was a Bed, but no Hangings; when they came in, they locked themselves into the Room. My Wife's Daughter being in the House, I desired her to send for my Wife, who was then abroad; which she did. They desired my Wife's Daughter to lodge with the Gentlewoman that they brought thither, and they were making the Bed ready. I sent them up word, *That I desired they would walk into the Dining-room for the present*; they sent me word down again, *They did not desire to do that, for they were afraid the Light would be seen into the Street*; and withal, if any body came to enquire for Mrs. Charnock or Mrs. Hilton, I should say there was no body there. Presently after, I think (or before, I cannot justly say which) a Letter was carried up Stairs to them, upon which they came down Stairs, and away they went up the Street, and when they were gone a little way on foot, Mrs. Charnock desired them to turn back again, for she hoped to get a Coach, and she did so, and went away.

Mr.

Mr. Att. Gen. So they did not lodge there ?

Mr. Patten. No, they did not.

Mr. Serj. Jefferies. Did they say any thing of care that was to be taken, how they past by my Lady Northumberland's.

Mr. Patten. My Lord, I do not well remember that : But the next day Mrs. Hilton comes again to our House, and she runs up Stairs into the same Room, and sits her down upon the Beds side. Said I to her Mrs. Hilton, *What Gentlewoman was that, that was here last Night ?* Says she, *I cannot tell, but I believe she is some Person of Quality, for Mrs. Charnock brought her to our House at seven a Clock in the Morning. But whoever she is, she is much troubled, we could get her to eat nothing, but her Eyes were very Red with Crying, and we came away to your House at Night ; because, hearing some noise of People in the Street, she was afraid some of her Father's Servants were come, but it was only some People that were gathered about to observe the Blazing Star. So we whip'd out of the Door, and so came to your House, for we had never a Back-door out of our own.*

Mr. Att. Gen. Pray give an Account what Habit the Gentlewoman was in that came to your House.

Mr. Patten. She had a Striped Flower'd Gown, very much sullied, it was flung about her, just as if she had newly come out of Bed. I did see her Face, But when I had just looked upon her, she clapped her Hood together over it presently.

Mr. Serj. Jefferies. Do you think you should know her again if you see her ?

Mr. Patten. I believe I might.

Mr. Serj. Jefferies. Pray, Madam, stand up again, and lift up your Hood.

[which she did.]

Mr. Patten. This is the Lady. I saw her Face twice, once as I told you, and then when she went away, I dop'd down and peep'd up, and looked her

in the Face again, tho' she hid it as much as she could.

Mr. Att. Gen. Thus we have proved it upon *Charnock* and his Wife.

Mr. Serj. *Jefferies*. He gies an Account of the 20th of *August*, which was the Day after she went from her Father's House. Pray call Mrs. *Fletcher*.

Mr. Att. Gen. We shall now prove, that they went from thence to one *Jones's*; that my Lord *Grey* came there to take Lodgings, and after she was brought came thither again, and tho' he changed his Hair into a Perriwig, yet he was known for all his Disguise.

Mr. Sol. Gen. My Lord, you see that it is proved upon three of the Defendants, my Lord *Grey*, and *Charnock*, and his Wife; now we shall prove it upon the other two, the *Jones's*. Swear *Mary Fletcher*.
[which was done.]

Mr. Serj. *Jefferies*. Sweetheart, pray tell the Court, where you lived, and when my Lord *Grey* came to your House; tell the time as near as you can, and the Day of the Week?

Fletcher. Sir, he came to *David Jones's* on the *Tuesday* after my Lady *Berkeley* was missing.

L. C. J. Where does *David Jones* live?

Fletcher. At *Charing-Cross* just over-against the Statue. And living there, my Lord *Grey* came there in a Hackney Coach, first on the *Monday* without a Perriwig, or any thing of that, and desired Mr. *Jones* to come to the Coach side, which he did, and after a little Discourse with Mr. *Jones*, they came both into the House, and went up two pair of Stairs to look Lodgings. After that, I had order to make ready the Room for some Lodgers who were expected to come that Night, but did not till the next Day. About *Tuesday* at Nine of the Clock, my Lord *Grey* comes again in a Coach to the Door, and threw his Cloak over his Face, he was then with-

without his Perriwig too, and desired to speak with Mr. Jones. I and my Fellow Servant standing at the Door, he desired to speak with my Master. I went to him and told him, and he came up, and after he had been at the Coach-side, he bid us go down, and keep down in the Kitchen, and would not let us come up any more. And afterwards, my Fellow-Servant and I were bid to go to Bed, and my Mistress shut up the Shop-windows herself.

Mr. Serj. Jefferies. Well, go on, what happend after that?

Maid. Afterwards there was the Warming-pan, and the Candlestick, and other things were carried up into the Chamber by my Mistress's Sister. Says my Fellow-Servant, *There is some great Stranger sure, come to lodge here, that we must not know of.* Ay, said I, *this is some great Intrigue or other.* After a while came in some Company that stayed all Night. I know not who they were, nor how they came.

Mr. Serj. Jefferies. Well, what was done the next Morning.

Maid. I was never admitted into the Room while they were there, but through the opening of the Door, I did see one Lady in Bed, but I cannot say who she was, nor what she was.

Mr. Att. Gen. Do you know her if you see her again? look at that Lady; is that she?

Maid. No, I do not know her; I cannot say that is she: My Mistress, and my Mistress's Sister, stood both before me, when I just peep'd into the Room, and when she perceived that, I did see her pull the Cloaths over her Face.

Mr. Sol. Gen. How long did she stay there?

Maid. Nine Nights.

Mr. Serj. Jefferies. Do you know my Lord Grey well?

Maid, Yes, I have seen him often.

Mr. Serj. *Jefferies*. And did you know him notwithstanding his Disguise?

Maid. Yes.

Mr. Serj. *Jefferies*. What did Mrs. *Jones* say to you about my Lord *Grey*?

Maid. She said to us, *What Fools were we, to say this was my Lord Grey, it was a Country Gentleman.*

Mr. Serj. *Jefferies*. But you are sure it was my Lord *Grey*?

Maid. Yes, I am sure it was he.

Mr. *Att. Gen.* Did any Body else lodge at your House at that time.

Maid. Yes, Captain *Fitz-Gerrard*.

Mr. *Att. Gen.* What discourse had you with him about this Lady?

Mr. *Williams*. You, Woman, did my Lord *Grey* stay there?

Maid. I cannot say he did.

L. C. *J.* Mr. *Attorney*, if the Question you ask, be to introduce another part of your Evidence from Captain *Fitz-Gerrard* himself, it may be something; otherwise that can be no Evidence against the Defendants, what discourse was with another.

Mr. Serj. *Jefferies*. It is so, my Lord. And therefore we ask you, Sweetheart, what past between you and the Captain.

Maid. Captain *Fitz-Gerrard*, the Monday Morning sevensnight, after my Lord *Grey* first came, called me to his Bed side, and asked me if I knew what Lady that was that lodged in the House, and what Cloaths she wore, and whether she were Young or Old, and whether she were married or no? I told him, I could not tell any thing, for I could never see her.

Mr. Serj. *Jefferies*. Do you know what Linnen she brought with her? Did you wash any for her?

Maid. Yes, one Shift.

Mr. *Att. Gen.* What kind of Shift was it?

Maid.

Maid. I said, It could be no Person of Quality, by her Shift.

Mr. Serj. Jefferies. Why so?

Maid. Because the Body was finer than the Sleeves, and Ladies use to make the Sleeves finer than the Body.

[At which there was some laughing.]

Mr. Williams. A very pretty Evidence.

Mr. Serj. Jefferies. Pray call Mrs. Doney again, because you shall not make so slight a business of the Shift, as you pretend, for such Actions as these must be detected by Circumstances.

Mr. Att. Gen. Mrs. Doney, pray did you shew this Woman another of my Lady Harriett Berkeley's Shifts.

Mrs. Doney. Yes I did.

Mr. Serj. Jefferies. Was it the fellow of that she went away with?

Mrs. Doney. Yes, it was.

Mr. Serj. Jefferies. Woman, do you believe, upon your Oath, that was the fellow of the Shift you saw?

Maid. Yes Sir.

Mr. Serj. Jefferies. Was the Body of that you saw from this Gentlewoman, finer than the Sleeves?

Maid. Yes, it was.

Mr. Att. Gen. Then pray Swear Captain Fitz-Gerrard. [which was done.]

Mr. Sol. Gen. Pray Sir, will you tell the Court and the Jury, what passages fell out at your Lodgings?

Capt. Fitz-Gerrard. My Lord, It was my Fortune, six Months ago, to take a Lodging at Mr. Jones's, and while I kept my Lodgings there, I had occasion sometimes to go to Windsor, to wait upon his Majesty; and one Night coming home to my Lodging, my Servant that waits upon me in my Chamber, told me, there was a Lodger lately come to

to the House, who lay in the upper Rooms. I asked who it was, he told me, the Maid of the House told him it was a Mistress of my Lord Grey's. I asked how long she had been there, he said it was but two or three Days since she came. I never thought of this for four or five Days after, nor thought my self obliged to take notice of the discourse of the Servant in the House; but being in Covent-Garden in Company, there was some discourse about my Lady Harriett Berkeley's being gone from her Father's, as it was the talk of the Town. I came home about Nine a Clock at Night, and having no Servant just then ready to wait upon me, Mr. Jones himself came very kindly to put me to Bed. I had some fancy, upon the Discourse of the Town, this might be my Lady Harriett. Upon which, I said to Mr. Jones, *You cannot but hear of the Report of my Lady Berkeley's being run away from her Father, and I know you have a Dependence upon my Lord Grey, and I have a Suspicion you conceal her in your House. If you do, said I, You do a very dishonest thing, a very ill thing, and occasion a great deal of trouble and disquiet to a Noble Family. And possibly, my Lord and my Lady may not know she is alive; therefore, I desire you as a Friend, to make a discovery of the Lady, that they may know where she is.* He seemed very Angry upon my saying of this, and told me, *As long as I lodged in his House quietly, I need not trouble my self who lodged there besides.* Upon that, I thought more earnestly upon this thing; and I told him again, *I am resolved to go into the Room, and know who this Lady is that lies here, for now I suppose there is something more in it.* Says he again, *No Body shall offer such a Rudeness in my House.* Said I, *I assure you I will do it.* He grew very Angry, but I went from him to my Sword, and was going up. Says he, *Pray, Mr. Fitz-Gerrard, do not offer such a thing as this is; you would take it unkindly your self, to have your House searched at this time of Night.* Well, said I, upon Condition that

I may see her to morrow morning before she goes away, who she is, I will make no disturbance in your House to Night. Upon that he left the Room, promising me, I should to morrow morning see who the Lady was. I went out early the next Morning, upon some necessary Business, and coming home between eleven and twelve a Clock, said I to him, Now is a very Civil time to see this Lady, who she is, for it is not fit you should receive any Person into your House, in such Circumstances, when there is such Cause of a Suspicion. Says he, She is now gone out of the House. And this is all that I can say in this Matter. I never saw the Lady there then, nor did I ever see her in my Life, but once or twice at Epsom.

L. C. J. Did they lock the Door upon you, Captain?

Capt. Fitz-Gerrard. No, they did not.

Mr. Serj. Jefferies. And you know nothing more?

Capt. Fitz-Gerrard. I neither knew when she came, nor who she was.

Mr. Att. Gen. Then swear Mr. Smith here, who married one of my Lord Berkeley's Daughters.

[which was done.]

Mr. Smith. Before my Lord Berkeley made this Affair publick, he used all means possible to know where my Lady Harriett was; and after it was known to him what concern my Lord Grey had in it, there were all means used to make it up: And discoursing with my Lady Berkeley about it, it was proposed that she should be married, but that would cost a great deal of Money; that my Lord did not pick at nor my Lady, if any Divine of the Church of England did think it proper to treat with any Person about it, after such a secret Correspondence between her and my Lord Grey. And my Lord said, my Lord Grey would not prosecute her with any more suits, he would give a Sum of Money to marry her. Said I,

I, Then, my Lord, will you give me leave to wait upon my Lord Grey in it? He answered, Yes. So I went to him, and offered him that my Lord Berkeley would give 6000 l. with her, if he would place her in a third hand, where it might be convenient to treat with any one about it. He talked with me as if he knew where she was, but would not discover it. Says he, You must always suppose, I will take your Proposal in this manner, if she is in my Power, which it may be she is, it may be not. Said I, My Lord, you make that (if) only as a Subterfuge, for to be sure, you know where she is. Says he, She is beyond Seas, and if you will give me leave to visit her sometimes, I will promise she all come again; but that depends upon Time and Tide, it cannot be so very soon. Said I, My Lord, you may as well send Horses to Dover, and so over to Callis, for I suppose she may not be far. He said, it would be a work of Time, but he would write to her. I desired he would write that Night. For, said I, my Lord, if this Business be taken in times she may yet be saved, if you will contribute what you can to it. He promised me to write that Night to her, but it would be some time before she got to Town. Then, discoursing further with my Lord about it. Says he, If I should bring her to Town, I will not use any Force or Perswasion to her, if she be obstinately bent not to come home again, Betray her to be sure I will not. I am sure, my Lord, said I, that your perswasions would do very much with her, and a great deal of good may come of it, if the Matter be speeded. But, says he, if I should bring her to Town, then my Lord Berkeley would disturb her with my Lord Chief Justice's Warrant. Said I, If you will bring her to Town, I will ask my Lord and my Lady, how long time they will allow for the making up of this Treaty; and in the mean time, she shall be free from any disturbance. Says my Lady Berkeley, when I spoke to her of it, Tho' my Lord Grey has been so barbarous to a Family, that has been so kind to him; yet, if I give him my word, I will

keep it inviolably to him ; and I do promise him, if he will bring her to any place where my Daughter Lucy may visit her, I will engage there shall be no search made after her. And if he can contribute to carry her into a Place where she may be safe, and not visit her himself, he shall have 2000 l. to do it. This Message of my Lord's being barbarous, Madam, said I, is not fit for me to carry to my Lord Grey, but you will promise not to take her away, if he bring her to Town, but from the moment you know where she is, she shall be safe. Thereupon, my Lord Grey promised to write to her, whether he did or not, I cannot tell. Afterwards, he said he had writ, but she would not come.

Mr. Att. Gen. What expence has my Lord been at in looking after her ?

Mr. Smith. A great Expence, I cannot tell particularly.

Mr. Serj. Jefferies. My Lord, we have but one Witness more, and that is a Gentleman, who by Order from my Lord and Lady Berkeley, kept my Lord Grey Company, and he will tell your Lordship what my Lord Grey confessed to him, what a Passion he had for the Lady, and what methods he used to get rid of it, but could not. Swear Mr. Craven. [Which was done.]

Mr. Sol. Gen. Will you tell my Lord and the Jury, whether you were sent by my Lord Berkeley, to be with my Lord Grey at Up-Park, and what past there between you ?

Mr. Craven. My Lord, the Wednesday after my Lady Harriett Berkeley went away, my Lady Berkeley told me, my Lord Grey had proffered he would go down into the Country for six Months, to shew that he had no designs upon her ; and therefore, if she would propose some Friend of hers to go along with him to keep him Company, he would be very well satisfied with it ; and then my Lady Berkeley told me, she would fix upon no Body but me, if he would take

take me with him. Then I met my Lord Grey on Wednesday Morning at Sir Thomas Armstrong's, and afterwards, went down to his House to him. When I came there he met me on Horse-back, and came up civilly and kindly to me. I thought fit to give him a Caution, having received such Orders from my Lady. My Lord, said I, I am sorry I am forc'd to come upon such an account as this, to be a Guard over your Words and Actions, and I am very much troubled that this unfortunate thing has happen'd, and you are reputed to be the Occasion of it. Says he, I do own, Craven, I have done a very ill thing; but that is past, I cannot help that now; but the thing that is to be thought on is, what is to be done for the future. My Lord, said I, the best way, if I may give you my Advice, were to send her home again, before any Report be spread abroad of the Business. How can that be? says he, I do not know where she is, but I have had a Letter from her, as I told my Lady, I did believe I should find a Letter here when I came down. I will shew you the Letter, which he did. My Lord, said I, this Letter will be thought as of your own penning before you came out of Town. I cannot tell what they will think, said he, but here it is. Said I, My Lord, I have a great Respect for your Lordship, and do very much desire, for your own Reputation and Honour, as well as theirs, it may be made up in some way before it be too publick. We were discoursing of this. How shall that be done? says my Lord Grey. My Lord, said I, if you would consent to this, to send her over into France to Calais, or Diep, we will there find some body that will help her into a Nunnery; and when she is there, she may write to her Mother, that she found she had an intention to marry her to a Match she could not by any means approve or like of, and therefore she went away to prevent her being forced to it; and this would be as plausible a thing as any in the World. And when that Letter should come, my Lady Berkeley should shew it about to her Friends; nay more, she should go over her self to fetch her back again, that she might receive her into

into her House with Honour. He said, *That was a very plausible thing, and he would do it, if he could tell where she was*; but her Letter to him was, *that she was gone from her Father, but she did not think fit to let him know where she was, for fear he should deliver her up again.* Then my Lord Grey asked me in what condition they were all at my Lord Berkeley's about it. Said I, *They are in such a Confusion and Trouble they are all Mad almost.* Says he, *How does my Lord bear it?* Said I, *He is so afflicted that it will go near to break his Heart.* Says he, *He is indeed one of the Men in the World that is to be pittied*; she pittieeth him very much, but for her Mother she doth not care. One day when we went out a Shooting, as we did several days together; Mr. Craven, says he, *I will tell you the whole Intrigue between my Lady Harriett and I. I have had a great Affection for her ever since she was a Child, and have always been taking great delight in her Company; and keeping her company so often till she grew up, my Passion grew to that height, that I could stifle it no longer, but I was forced to tell her of it, and then I could not speak to her of it, but writ. But withal I begged her to take no notice of it to any Body, for if she did, it would ruine us both. She was very angry to hear of it, and neither by writing nor speaking could I perceive she had any Affection for me again, till the Parliament sate at Oxford; and then I did pursue my Love and my Amours, and at last, she one day told me, said she, I have now considered of it, and if you do not leave writing or speaking to me of this Matter, the very first time you write or speak to me again, I will tell my Father and Mother of it. That struck him so, he said, that he did not know almost what to say or what to do, and he walked up and down just like a Ghost; but he bid it as well as he could, that it should not be perceived by others. But that Parliament being quickly dissolved, he did intend to go down to Suffex to his House there, being he found she was resolved against admitting his Affection, and he would stay there several Years, till he had weaned himself*
of

of his Passion, and by that time she would be disposed of otherwise, and he might be at Ease. And he hiding his trouble as much as he could from my Lord Berkeley and my Lady, forbore to speak to her, but only when he saw her he could not forbear looking earnestly upon her and being troubled. My Lord Berkeley, not knowing any thing of it, asked him to go to London with us and not to Suffex; he was very much perswaded by my Lord and my Lady to it; and at last, my Lady Harriett Berkeley came to him, and told him, Said she, You are very much perswaded by my Father and Mother to go to London and not to Up-Park, why do not you go with them? Madam, says he, you have stop'd my Journey to London, you have hindred my going with them, for I will rather suffer any thing than render you any disturbance, and if I go to London with you, I shall not be able to contain my self; but if I go to Suffex, I alone shall have the trouble of it. But one day, when my Lord of Aylesbury was leading my Lady Berkeley, and my Lord Grey was leading my Lady Harriett, she took my Lord Grey's Hand and squeez'd it against her Breast, and there was the first time he perceived she loved him again; and then she told him, he should go to London with them; and he did go, and from that time, for a twelve-month before she went away, he did see her frequently, almost every Night, pursuing his Amour in writing and speaking to her as often as he could have opportunity. And tho my Lady Berkeley put a French Woman to lie with her, yet she did use to rise from the French Woman; and he did use to see her. And one day, says he, do not you remember you came to the Chamber Door, and she was angry at your coming, and that the Door was not bolted, and if you had come in you had found me there.

Mr. Serj. Jefferies. Do you remember any such thing?

Mr. Craven. I do not, unless it were at Durdants. And, says he, you cannot imagine what I have suffered

to come to see her. I have been two Days locked up in her Closet without Meat or Drink, but only some Sweetmeats.

Mr. Serj. Jefferies. What did he say of his making Addresses to other Ladies to take off his Passion?

Mr. Craven. He said, He did all he could, for he would fain have avoided bringing such an Infamy upon his own Family and his Lady's, and he did endeavour to cool his Passion, by making Love to two other Ladies, whom he courted and enjoyed both of them, but yet all did signify nothing, he could not subdue it.

Mr. Att. Gen. Pray tell us what Terms he insisted upon, for his parting with her, and what he said the Law was in the Case.

Mr. Craven. I told him, My Lord, besides the Dishonour you bring upon your self and two Noble Families, you should do all that in you lies, to avoid the Punishment that will come upon you for it by the Law. Ob, says he, you mistake your self in that, for you must think I have considered of all that before. They cannot do any thing in Law against me for it; let them examine the Case of Mrs. Heneage and my Lord Cavendish.

Mr. At. Gen. What, did he say he would not part with her but upon Terms?

Mr. Craven. He said, I cannot perswade her, and I will not betray her. Truly, said I, My Lord, you had better betray her, and when she comes to be sensible of her own good, she will thank you for it. Then he owned he had her in his Power, but would not part with her never to see her again.

Mr. Att. Gen. What were the Terms he stood upon?

Mr. Craven. My Lady Berkeley sent me to the Coffee-House, and desired me to ask him, If he would give her an Answer to what she had mett him at my Lord Chief Justice's about. My Lord told me, He did not approve of sending her to the place proposed, but he would send her to his own Sister, his Brother-in-Law Mr. Nevil's. I told my Lady of it, who said, if he did

state the Case right to Mr. Nevil, she was sure he would not receive her, nor let him come to her if he did. After that, Mr. Petit's was proposed, so he might visit her. But he did say, If that be the Design, that they would have her from me, and I not to come at her when I please, they shall never see her while they live, nor will I ever deliver her.

Mr. Serj. Jefferies. We rest here, to know what they on the other hand say to it, and we think this Foul Fact is fully proved.

Lord Cavendish. My Lord Chief Justice, I desire to be heard one word in this Matter. This Gentleman, Mr. Craven, that was last examined, has been pleased to tell a very long improbable Story in it self, and amongst other things that he has said, he has been pleased to make use of my Name impertinently enough; for he speaks of a Case that that Noble Lord, he says, was pleas'd to mention to him. If he did mention that Case to him, and did name my Name, he also mentions the Case of two Ladies, he says, my Lord was concerned with. I desire to know how he came to name my Name, and not name the two Ladies he speaks of, that that Noble Lord made his Courtship to and enjoy'd.

L. C. J. My Lord Cavendish, I could have wished he had not named your Lordship, because it was not at all to the purpose.

Lord Cavendish. My Lord, I am not concerned at it at all, more than at the Impertinency of his using my Name.

L. C. J. I could have wished indeed, the Gentleman had spared your Lordship's Name.

Lord Cavendish. I desire to know why my Name was mentioned more than the two Ladies Names.

Mr. Craven. My Lord Grey did not mention the two Ladies Names to me.

Lord Grey. No, nor my Lord Cavendish's neither, it is all a Lie.

Lord

Lord Cavendish. I will believe my Lord Grey's Word, more than I will his Oath.

L. C. J. That your Lordship may do if you please. But we must not do so here. Come, what say you to it on the other side.

Mr. Williams. May it please your Lordship, and you Gentlemen of the Jury, I am of Council in this Case for my Lord Grey and the other Defendants. And that we may come closely to the Question; I desire I may first state the Question before you upon this Information, and then you will the better judge how far the Evidence that has been given, is pertinent to the Issue that you Gentlemen are to try. The Parts of the Information are these: That my Lord Grey, and the rest of these Defendants, should Conspire together to Ruin and Destroy this Young Lady, and in the Execution thereof, to bring this their Conspiracy to effect, they did often sollicite and intice her to commit Adultery with my Lord Grey; and in prosecution of these their ill Purposes and Designs, she was by Force and Arms taken away from the Custody and Tuition of the Earl of Berkeley her Father, and being so taken away, my Lord Grey and the rest of them, did procure her to live scandalously with my Lord Grey, in Whoredom and Adultery. These are the parts of the Charge, and the Question is, whether we are Guilty of it. For the Evidence, I dare presume to say, that they have not made any direct proof of the Matter charged. On the other side, they have, I do agree, offer'd something conjectural, upon which a Man may imagine and think what he will; but how far you are to conclude the Defendants Guilty, out of those Presumptions, must be left to you, I know you will very well consider of it. It is plain, we are in a very tender Case; it is a Case of Honour on all sides; and I have often heard it, and always believ'd it, *That Persons of Honour and Quality in the*
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World,

World, would rather lose their Lives than their Honour. And I believe it is the Opinion of my Client, my Lord Grey, as well as of the Prosecutors in this Information. And therefore, you Gentlemen, I doubt not, will expect to have a clear Evidence to convict him of this Crime. And it is not only his Honour is concerned, but that also of another great, illustrious and noble Family, to which he is by Marriage allied. So that the Acquitting of my Lord Grey of this Matter, doth, in a great measure, acquit the other Family of so great a Scandal. For that will falsify the Information, and by your Verdict you will remove those Stains, that else may stick on both sides. We are equally between the two Families, and your Consideration will be, whether you will lay a Stain upon both of them, or acquit them both. Now there has been no proof against my Lord Grey, of any one point in the Information.—

L. C. J. No? sure you are much mistaken, it is a direct proof against my Lord Grey, I must tell the Jury so, and therefore apply your Defence to it as you can.

Mr. Williams. Truly, My Lord, I hope it is not, and our Case is best stated, by laying open the Truth of the Fact, and then the Matter will plainly appear. I cannot go about to justify the Passion and the Folly, for I may well call it so, of my Lord Grey and this Young Lady in this Case. It is misfortunate enough, to be accused of a thing of that Nature, and it may be a great deal worse to be convicted. I shall agree there have been those Transactions between them, that it may be, we cannot justify in strictness, every thing that my Lord Grey has done. But yet, we say he is not guilty of this Information. We do agree, there has been an extraordinary Passion, nay, I must say, a very unjustifiable

justifiable one, between this Lady and my Lord Grey: But to conclude out of that, that because there was such an unreasonable, unjustifiable, extraordinary Affection between them, therefore we must infer and conclude him Guilty of this Information, is a very forced and unreasonable Construction; for there are Degrees in Love, and we must not conclude the worst thing a Man can be guilty of, because he is guilty of some Degree. Then, to come home to the Case of my Lord Grey, we shall prove and give your Lordship and the Jury undeniable Satisfaction, that my Lord Grey is so far from having inveigled away this Young Lady, or being any way instrumental to the conveying her away, that he used all means he could to have prevented any thing of that Nature before, by discovering to my Lady Berkeley her Mother, my Lady Arabella, and my Lady Lucy, her Sisters, all Persons of great Honour, and her nearest Relations, that she did intend to go away, by warning them, and giving them full Notice, that there might be such an Intention in the Young Lady. We shall prove likewise, that no Man in the World, could do more when she was gone to retrieve her. We shall make it out by undeniable Circumstances, proved even by their own Witnesses. It happen'd that my Lord Berkeley and his Family withdrew to a Country House of his near *Epsom*, in your County, Gentlemen. My Lady had some Jealousy, as she has been pleased to testify, that there might be some extraordinary Passion between my Lord Grey and the Young Lady; having discovered it by some Letters, as she hath given Evidence. My Lord Grey acquainted her with his Suspicion, that she intended to go away, and was so just, that he did not conceal any one thing that he knew; yea, to acquit himself that he had no ill design himself, and if she did get away it

was none of his Fault, he produc'd a Copy of a Letter of Admonition, which my Lord Grey himself had written to her; And when my Lady had heard his Advice about it, and his Counsel he gave her, she said, *her Father could not have given her better Counsel.* This was so early as *July*, in the beginning of *August*, my Lord Berkeley going down to his Country-house at *Epsom*, and the Family removing thither. Then my Lord Grey was Sick here in Town; and in this Sickness of his, there was a Letter sent to my Lord Grey from his Lady, desiring him to come down to my Lord Berkeley's; but it seems he had been under some Engagement to my Lady Berkeley, not to come without her Leave, and having Regard to his word past to my Lady he would not do it. My Lady Berkeley, in a few Days after, sent for him her self, and therein thanks him that he was so just to his Word and Honour, that he would not come down without her Invitation. Upon *Tuesday* before this unhappy Lady went away from her Father's House, my Lord Grey came to my Lord Berkeley's. When he came down, he was very kindly receiv'd by my Lord and my Lady. On the *Thursday* following my Lady Berkeley acquaints my Lord Grey, that this Young Lady had a design to leave her Father and Mother's Family, and run away. My Lord Grey was so frank with her, as to tell her; *Madam, I have long suspected such a thing as I have told you; but Madam, your Daughter Harriett is all Day in your Eye, you my lock her up at Night, and secure her if you please.* This was a timely Caution given before she made her Escape. On the *Friday* following, comes a Letter from an unknown Hand to my Lady Berkeley, that intimated, *That except they had a great Care of their Daughten, and a strict Eye over her, she and her Father should not long enjoy her Company.* My Lady Berkeley shews this Letter to my Lord Grey, says he,
Madam,

Madam, this is no more than what I have often told you, I have given you some Intimations already, and my Thoughts and Advice about it; and whoever it be that writ this Letter, I am afraid her Apprehensions of some ill Usage may put her upon some such design. And he repeated it again, Madam, let me Caution and advise you, have her always in your Eye, and lock her up safe at Night. This was repeated over and over, to my Lady Lucy and my Lady Arabella. Thus it continued till Saturday, my Lord Grey resolved to go to his Country House at Up-Park, and took his Leave of my Lord Berkeley and his Family accordingly, and went that Night to Guilford, and there he lay, and rose the next Morning to go onwards of his Journey, but was pursued, it seems, by my Lady Lucy. For she tells you, When this Young Lady had left her Father's Family, she immediately on the Sunday Morning came to Guilford, and sent after my Lord, who was newly gone on his Way, and was found in his way to his House in Suffex. Having received my Lady Lucy's Commands, he returns to Guilford, and there he had the first notice given him of my Lady Harriett's Escape; says he to my Lady Lucy, This is no more than I have fairly warned you of before. Had you taken my Counsel? was she lock'd up? No, said she, she is gone away, and your Lordship must needs know where she is, and therefore pray get her to return home again. Says my Lord Grey, I assure you, I know nothing at all of it, and to give you all the satisfaction I can in the World, I did not only warn you of it before, but I shall be as industrious as any of you all, you shall find, to recover her again. For that purpose, I will see if she have crossed the River, or is gone any other Way; and if I can make any Discovery, by Letter, or any other way, I will send you word immediately, and I am so sincere with you, that if any Letter come to your Family for me, I give free Liberty to my Lord and all his Family to open them themselves, and see what is in them; and if I do receive any from her any other way, a true Copy of it shall be sent;

and more than all this, if my Lord be not satisfy'd with what I have said, let my Lord or my Lady, send and set what Spy upon me and my Actions they please. And it seems he was taken at his Word, and they made choice of a very proper Gentleman, and you heard what Discoveries he has made, and how he has worded the Matter. For first he makes my Lord Grey at one Time a very subtle Lover, full of all Intrigues, and one that could conceal all within himself, and yet (when it would do him so much Injury) so open, as absolutely to unbosom himself to one that was an absolute Spy upon him and his Actions, and tell him such things, as no Man in the World sure is such a Fool as to tell another in his Circumstances. But that I leave to the Jury (as my Lord Cavendish has said) to consider of the Impertinency of his long Story. When he had parted from my Lady Lucy he comes to London, and useth all the Diligence he could to find her out. On Wednesday, again he leaves London, when he could not find her, and goeth to his own House: Upon Thursday this Gentleman Mr. Craven comes thither to him. There he finds a Letter from my Lady Harriett, and because he would be exact to his word, he keeps a Copy of the Letter, and sends the Original of it to my Lord Berkeley's. Now no Man will imagine, if he had such an Intrigue with this Lady, as they would make the World believe, that he would ever have sent such a Letter out of his Custody, which would have been a Colourable Excuse for him. Nay, we do not rest here, but by the way we produce this Letter to this Gentleman, who it seems was our Guardian, and told him moreover, *Here is my Answer to this Letter*, and sends a Copy of his Answer with the Letter from her to my Lady Berkeley. Then there comes a second Letter, and he, according to his Word, discovers that, and there is not one Circumstance in all his Carriage that doth
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accuse him: After this second Letter was imparted to my Lord *Berkeley's* Family, he continued a while at *Suffex*, and afterwards when he returned to *London* he used all the means imaginable, for a Person that was so near concerned, in point of Relation, and in regard of his own Reputation, to have found her out, but could not. These are the Circumstances of my Lord *Grey's* particular Interest in this Matter, and when we have made out these Circumstances, we hope the World will believe him not Guilty. It seems the Young Lady is now in Court; she is so just, it seems, as to come to do my Lord right, and that one thing will knock all their Conjectures on the Head; For she best knows what has been done, and the Jury will consider, whether this be imaginable, that my Lord *Grey* should conceal her all this while, and produce her now, when if any Violence have been offered her she may freely tell it. And as for the Man that could tell so very readily this was the very Lady that came to his House, when she had so hooded and muffled up her self, we must leave him and his Credit to the Jury. We shall therefore desire, when we come to the Close of our Evidence, that this Young Lady may be here Examined upon her Oath, and then I hope the Truth will come out.

Mr. *Thompson*. My Lord, because your Lordship seems to be somewhat satisfied that there is a direct Proof of the Matter charged against my Lord *Grey*, therefore I suppose it will not be amiss to open the Fact, and in three words to state the Charge, and the nature of their Evidence to maintain it.—

L. C. J. Come, come, call your Witnesses and make out your Defence.

Mr. *Just. Dolben*. If you can prove what Mr. *Williams* says, you do something, but do not think to make long Speeches, go on to the Evidence.

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L. C. J. Pray *Mr. Thompson*, do not you believe we want any of your help to recollect the Evidence given, or to direct the Jury about it, do you disprove it if you can.

Mr. Thompson. My Lord, The Course of Practice I always took to be so, to open and observe upon the Evidence given, and then answer it. But I submit to your Lordship for that ; you may do as you please.

Lord Grey. Then, My Lord, I desire I may speak something my self. Certainly, my Lord, no Man ever lay under a more Infamous Accusation, than I now do ; and therefore I hope your Lordship will pardon me, if I defend my self as well as I can from it ; and undoubtedly, if in any Case a Man be allowed to speak for himself, it must be allowed to me in this. My Honour lies here at Stake, and if my Life did so too, I am not, nor should be more concerned to save that, than I am to clear my Reputation, which is and ought to be very dear to me. My Lord, were I guilty of the Villanies that here are lay'd to my Charge, I certainly should need no other Punishment : I am sure, I could not have a worse, than the Reflections of my own Conscience for them, and I ought to be Banish'd the Society of Mankind. My Lord, I must confess, I have been so unhappy (tho' it is more than they could else prove) as to have a very great kindness for this unfortunate Young Lady, my Lady *Harriett Berkeley* ; but yet, not so Criminal a one as the Witnesses that have been produc'd would have you to believe, nor as the Information would insinuate. I do here protest, I was no way assisting to her Escape, nor privy to it, nor have I ever at all since detained her from her Father, tho' I have suffer'd a Fortnight's close Confinement and Imprisonment for it ; and all this I doubt not to make out to your Lordship's and the Jury's Satisfaction. I shall say no more of the Justice of
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of my Cause, but endeavour to prove it ; and, my Lord, this is that which I say to it. The Evidence that has been given, consists most of such and such Discourses that have been between the Witnesses and my self, and those I shall give what Answer is fit to be given to them. A Negative, as your Lordship very well knows, is not to be proved. Particular Discourses we have had, of the same nature as Mr. *Williams* has opened, about my cautioning them concerning her Attempts to go away ; and I shall appeal to my Lady *Berkeley* her self, whether that be not so. If my Lady *Berkeley* own it to be true, I hope that is very good Proof. My Lord, about the time that they speak of, concerning the Letter, which I take to be in *June* or *July*, I was sent for by my Lady *Berkeley* into her Chamber ; when I came there, my Lady told me there was a Letter, which she said, was design'd to go from her Daughter to me. I asked her, *if she had read the Contents of the Letter*, she said *No*. I asked her, *whether the Direction of the Letter were to me*, she could not tell that. But my Lady had told me, *her Daughter had given her the Account of what had past between us ; that she was satisfied there was a Correspondence of Love between us*. To remove all fears, I proffer'd to absent my self. I desire my Lady may answer whether this be not so.

L. C. J. That will be to intricate the Business, to go on thus. Pray my Lord, if you will ask any Question of any Body, tell them your Counsel, and let them ask them, but to make long Discourses all Day, is not to be permitted.

Lord Grey, My Lord, I will ask then my Questions all together by and by. My Lady *Berkeley* going down with my Lord to *Durdants*, desired that my Wife might go down with her, to which I readily consented. Soon after that, I fell Sick and kept my Bed a while. When I was well again, and going

ing into *Sussex*, I sent for my Wife to Town, and would not go fetch her, because I would keep my word with her Ladiship. My Lady *Berkeley* thereupon wrote me a Letter, wherein she thank'd me for not coming according to my Promise, and commended my Modesty in it ; and said, There would be no apprehension of any ill from me, if I did come thither for a short time. And thereupon being invited by her Ladiship, to take her House in my way to *Sussex*, I did come down thither. And I urge this, to shew that there was no Conspiracy or Design of any such thing in me, for I had not gone to *Durdants*, if I had not been sent for, and so there was no Design in my going. When I came thither it was the *Tuesday*, and on the *Thursday*, my Lady *Berkeley* did acquaint me, she was under great Apprehensions and Fears ; and I asked her the Reason of it. She told me, That she had been at some Ease, her Daughter having made a great Submission to her, and Promise of constant Obedience, and that she would do all as she would have her, if she would but give her Leave to go to Town with her ; but yet, for all this, one Morning she puts on her Hoods and Scarfes, and was going away, and had done it, but that the French-Woman and another prevented it. I told my Lady *Berkeley* then, Madam, said I, I have good Reason to believe she may have some such Intention. I did not give my Reason at that time, but I shall by and by. But, said I, if she do go away, I cannot imagine but that it is possible she may send to me, and I will give your Ladiship notice as soon as ever I know ; and tho' you seem to be satisfy'd, and to think your Daughter secure here, yet you do not think her so indeed, and you must needs use her ill, or she would have no thoughts of going from you. For my part, if she do go away and come to me, I will shun it as I would Death, and you have now fair warning, she is all Day in your Eye, pray be sure to lock her up safe at Night. Upon Friday following comes a Letter without a Name to it, and Mr. *Williams* has open'd to you the

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Contents of the Letter. She read the Letter when her Daughter was in the Room, who asked what the Letter was, and being denied to have any account of it, was in the greatest Confusion in the World, and leap'd and run down Stairs like a Mad Thing, and my Lady her self was very much disturbed at it. When I saw the Letter, *Madam*, said I, *This Letter ought to confirm you in the Resolution of taking my Advice ; it can come from no Body, but some one that is to assist in the executing of this Design, but thinks it too dangerous to engage in, and gives you this warning to prevent it. You have sufficient Caution given you to make you careful.* Whereas, my Lord, If I had been in any sort of Conspiracy of that Nature, to take her away, my Lady Berkeley certainly should have been the last Woman in the World, that I would have communicated it to. My Lord, I went away from *Durdants* on the Saturday, and so to *Guilford*, where I lay that Night, and went on my Journey the next Morning, but was overtaken on the Road, by a Messenger from my Lady Lucy, who was come to *Guilford* to speak with me ; when I came back to her, she told me, my Lady Harriet was gone away that Night, and they did believe I knew where she was. Said I, *Madam*, I have as great a Share in this Misfortune as any of you all, because of your Suspicion ; but sure you must have used her very ill and make her do this ; and you are much to blame, when you had all that warning from me, why did you not secure her, and lock her up as I advis'd you. Said she, *She was lock'd up, but the Key was left in the Door.* Upon this I went to London, and I had appointed my Lady Lucy to meet her on Monday morning, to give an account what I could learn ; but I told her, that I had heard nothing of her, nor is there any proof that I did see her at any time, till I own'd it before your Lordship at your Chamber. She seem'd not to believe me when I told her so. *Madam*, said I, *It is certainly*

ly true ; and to convince you that I have no hand in this Matter, I will go immediately into Suffex, and there I will stay as long as you will have me ; and if you please to go your self with me, or send any body else, to observe what I do. She thought it not fit for her self to go with me : But my Lady Berkeley and she afterwards pitch'd upon Mr. Craven, who had been a long time a Servant in the Family, and I agreed with my Lady in that, to have him and receive him as a Spy upon me. Discoursing with my Lady Lucy, said I, Madam, Now I will tell you the Reason, which I forbore to tell my Lady Berkeley, why I had good Ground to suspect my Lady Harriett had a Design to go away, and it was this ; My Lady Harriett came to me one Day, about six Weeks or more ago, in the Court Yard at St. Johns's, and says she to me, I am used like a Dog, I live the Life of a Slave here, I can endure it no longer ; by the Eternal God that made me, I will not be alive long, unless I can set my self at Liberty. This I said to my Lady Lucy ; and these, said I, were Reasons enough for me to warn you to look well after her. I did, according to Agreement, go into Suffex immediately, and I then told my Lady Lucy, I believed I might have a Letter from my Lady Harriett, by the Wednesday Night's Post, because, said I, she cannot write sooner than that, and if I have, I will send you word. When I was there, Mr. Craven came the next day to my House ; and as soon as he came ; said I, Here is a Letter I have received from my Lady Harriett, and if you will you may take a Copy of it. I took a Copy of it my self, and sent the Original of it to my Lady Lucy, though they have not thought fit to produce the Letter now in Court, that your Lordship and the Jury might see it. But here is mine, which was the first Account what was become of her after she went away, that I received, except what Account I had from my Lady Lucy at Guilford ; and this will shew to all the World, that I was not so much privy to her going away,

away, as they say I was. I had denied to assist her in it, when she complained to me of her ill Usage; and when she attempted to go away before, I, upon my Ladies telling me of it, gave her sufficient Caution. And for the truth of all this, I appeal to those very Witnesses that have been produc'd against me. When I had shewn this Letter to Mr. Craven, I sent it away by a Servant of my own, to my Lord Berkeley's, and writ to my Lady Lucy, and desired her to pen whatever Answer she should think fit to send. My Lady Lucy did write to me back again, and told me the Substance of what I was to write, but the penning of it she did leave to me, for she believed I would do it effectually. I did write an Answer to my Lady Harriett's Letter, and that Answer I shewed to Mr. Craven, and asked him if it were sufficient, and he seem'd to approve of it. The Lady her self is in Court, I know not whether she can give an Account of the Letter, I suppose she can tell you what an one it was. I had, afterwards, another Letter from her, in Answer to mine, and that I have here, and it will appear by both of those Letters, whether I had any Interest in her going away. Tho' perhaps that would not have been such a Crime neither, and yet I think withal, that there is not a tittle of Proof that I had any hand in it, not one Proof of any Circumstance like it. And if there be any Crime, it must be the taking her away, to such an Intent and Purpose as is charged in the Information. Before I came to Town, I was sent for about some other Business, yet I would not come till I had my Ladies consent; for I sent her word, my Lady Harriett writ in her Letter, that she was going Beyond-Sea, and if I went to London I might prevent it, but I would not go without my Lady's or Mr. Craven's Consent and Approbation. When I came to Town, I was one Day at the Coffee-house in Covent-Garden, I was then sent to by this Lady, who
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was in an Hackney-Coach at the Door, and when I came to the Coach-side to her, she gave me a tedious History of her ill usage at home, which made her come away. And when your Lordship's Warrants were out to search for her, I came up to your Lordship, and I dare appeal to your Lordship, whether I did not acquaint you, *that she only sought for Protection, and was willing to return home, so she could be satisfied she should not be ill treated again.* You then told me, *I could not protect her against her Father.* I then told your Lordship and my Lady Berkeley, *She was not in my House, nor in my Custody.* They replied, *She was in my Power ;* but how could she be in my Power? when she was not in my Custody nor in my Lodging. But my Crime was, that I knew where she was. And if I do deserve Punishment for keeping my Word and Faith with her, which I gave her in a Letter, upon her Importunity not to betray her, I must submit to it, I could not in Honour do otherwise. My Lord, I desire this first Letter may be read, which was first sent by my Lady Harriett to me.

L. C. J. Surely, my Lord, for all your long Discourse, you cannot but apprehend your self mistaken, when you say there is no Crime charged in the Information, but the taking her away to such an Intent and Purpose. Surely there are other things besides that. And what you speak, if not proved, your Lordship knows, must pass for nothing.

Mr. Williams. My Lord, your Lordship has made a right Distinction between Discourses and Proofs. Therefore Discourses between Strangers and third Persons, are not to be stood upon, but the Proofs are ; and all the Evidence together must be left to the Jury, to consider what is material and pertinent, and what not. We shall therefore go on to our Evidence ; and shall begin with my Lady Berkeley first, and ask her Ladiship some Questions. And

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we desire to know whether she hath seen this Letter.

L. C. J. But take notice, the Letter you propose, we cannot read it.

Mr. Williams. But, my Lord, it was agreed between my Lady *Lucy* and my Lord *Grey*, that if he received any Letters from my Lady *Harriett*, he should communicate them to my Lady *Berkeley*, and this Letter coming to him, he first shews it to *Craven*, this Man that was thus set as a Spy upon him, and after sent it to my Lady *Lucy*, and whatsoever Answer they would have sent, was promised should be, and accordingly was first shewn to *Craven* and then sent. If this were the Agreement, and these Letters were thus written, than sure we may read them.

L. C. J. You may ask my Lady *Berkeley* any Questions, but must not read any such Letters.

Mr. Serj. Jefferies. Pray *Mr. Williams*, let us go according to the Course of Law, and give no Evidence, but what is fit to be given as Evidence.

Mr. Williams. Then thus, Madam, pray can you remember the Discourse that past between my Lord *Grey* and your Ladiship in *June*, concerning your Daughter and him.

Lady Berkeley. Where?

Mr. Williams. At *St. Johns's*.

Lady Berkeley. I do not well know what Discourse you mean; but any particular Discourse that was there I will answer to.

Mr. Williams. That Discourse that past between you the first time that you acquainted my Lord *Grey* that you suspected there was too much Familiarity between him and your Daughter.

Lady Berkeley. The first time, do you say?

Mr. Williams. Yes, Madam, I think you were pleas'd to say, that upon your first Discovery, you sent for him and talked with him.

Lady Berkeley. I did not say upon my first Discovery, but when I had discover'd it. For I would be very punctual to the Truth in my Evidence.

Mr. Williams. You say your Ladiship had some discourse with him in *June*.

Lady Berkeley. I think it was in *June*.

Mr. Williams. Pray, Madam, can you remember what my Lord Grey promised your Ladiship then?

Lady Berkeley. He told me then, *he would obey me in any thing, even if I would banish him my House.*

Mr. Williams. Was there any Letter then produc'd by your Ladiship or my Lord Grey?

Lady Berkeley. Of what concern?

Mr. Williams. Any Letter that related to your Daughter.

Lady Berkeley. No, but I told him of a Letter that was found, that she had writ to him.

Mr. Williams. Madam, pray have you that Letter, or any Copy of it?

Lady Berkeley. No, it was torn to pieces, I can bring the pieces, I believe, if there were occasion.

Mr. Thompson. Your Ladiship read it, I suppose?

Lady Berkeley. No, my Daughter *Bell* read it and tore it in pieces.

Mr. Williams. Was there any Discourse between your Ladiship and my Lord Grey, about any other Letter?

Lady Berkeley. Not at that time.

Mr. Williams. Was there at any other time?

Lady Berkeley. Yes, at the *Charter-house* at my Lord's House, one day my Lord Grey desired me to walk into the Gallery, *for he had something to communicate to me*, and the Discourse that pass'd between us then, was this, *he shew'd me there a Letter of the Passionate Love he had for her, with some good Counsel in it.*

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Mr. Williams. Did your Ladiship approve of the Counsell he gave her ?

Lady Berkeley. Never when there was so much Love and Passion in the Letter.

Mr. Williams. Pray, Madam, recollect your self, were you not pleas'd to like of that Letter ?

Lady Berkeley. I could never like of the *Passionate Expressions* in it ; there might be something in it well said enough, but with the greatest *Expressions of Passion and Love* ; in so much, that he himself said of it, *Madam, I am asham'd of that part,* and would have had me overlook'd it.

Mr. Williams. Did your Ladiship say, *Her Father could not give her better Advice* ?

Lady Berkeley. Not that I know of.

Mr. Thompson. Pray, Madam, did you ever say so ?

Lady Berkeley. Surely I did not : For I could not but think he could give her a great deal better Advice.

Mr. Williams. Does your Ladiship, pray Madam, remember any Discourse between my Lord Grey and you, upon the *Thursday* before your Daughter went away ?

Lady Berkeley. I cannot tell for *Thursday*.

Mr. Williams. Does your Ladiship remember the Letter you received from an unknown Hand ?

Lady Berkeley. Yes, I do.

Mr. Williams. Did you shew that Letter or read it to my Lord Grey ?

Lady Berkeley. My Lord Grey came up to me, and seem'd to be very careful of my Concerns, *Madam*, said he, *Pray take care, for I saw a Letter directed to your Ladiship, without the Mark of the Post, or the Penny-Post upon it.* And, said he, *I give you this Caution about it before it comes to you, because my Lord was by : I arose up and went to the other side of the Room, and my Lord Grey followed me, and when I*

took up the Letter, I saw something that I thought to be very odd and unusual in his Carriage, as if he were in great disorder, as I was ; and I went to my Chamber, thither my Lord Grey followed me, and that Letter he would see, because he said it had put me in some disorder, I told him he should not see it as then. I sent for my Daughter *Lucy* into my Closet, and shew'd it her, and she was in great disorder about it too.

Mr. Williams. Pray, Madam, can you remember whether that Letter did caution you *to look well to your Daughter, or else you were not like to have her Company long ?*

Lady Berkeley. The Letter did say some such thing, *I must look after my Daughter, or I should lose her.*

Mr. Thompson. And this was on the *Friday* before she left your Ladiship, Madam, was it not ?

Lady Berkeley. Yes, it was so I think.

Mr. Williams. Pray, Madam, what did my Lord Grey say upon that ?

Lady Berkeley. He was extreamly earnest to see the Letter, *Because, he said, it had so disordered me ;* and at last I was perswaded to let him see the Letter; He turned the Letter up-side down, and looked on the Subscription. *Madam, says he, Is this all that disorders you so much, I am us'd to have many such Letters by the Penny-Post ; this is nothing but to amuse you. It is a very silly Letter, and written by some Woman, as you may see by the Spelling.*

Mr. Williams. Did he caution you to lock up your Daughter a Nights to secure her ?

Lady Berkeley. Not one word upon this Letter ; but the next Morning again talking about this Letter, he said, *It was a Foolish Letter, and what should I trouble myself about it for ?*

Mr. Williams. But Madam, had you any Caution given you by my Lord Grey about this time, to take care of your Daughter ?

Lady

Lady Berkeley. Not that I remember to lock her up.

Mr. Williams. What then did he say ?

Lady Berkeley. I will tell you what he said to me once or twice. *Madam, whatever you do, do not make her desperate.* I asked him what he meant by that word. Said he, *It is not necessary to explain that word to you, I meant nothing, but do not use her ill.* Now, my Lord, I was so far from that, that I used her with all the Tenderness of a Mother, like a Sister rather than a Daughter ; nay, he himself has confess'd, she was better us'd than he imagined she was.

Mr. Williams. Did your Ladiship, at any time, intimate to my Lord Grey, that you had any Apprehensions of her intending to go away ?

Lady Berkeley. I did tell him, That when I was at London, my Woman that lay with her, did rise about eight a Clock, and left my Daughter alone in the Room, and when she came up again, my Daughter had put on her Hood and Scarfe, and her Petticoat was pin'd up, as ready to goe out, and the Woman being affrighted at this, called up my other Daughter, and so prevented it ; and after came and told me she had pin'd up her Petticoat thus about her, and she did not know what she meant to do. Upon this, I went to my Daughter, and, said I, *What is the reason that you pin'd up your Petticoat, and put on your Hood and Scarfe ?* Says she, *I had not my Scarfe on.* But says my Woman to me, when I came into the Room, *You thrust something into your Gown.* It is true, I did so, *Madam*, said she, *but it was upon this account, I had got a Sheet of Paper, upon which I intended to write, and seeing her come in, I put it in my Gown.*

Mr. Williams. Pray, Madam, did my Lord Grey at any time, caution your Ladiship about your
F 3 Daughter,

Daughter, to lock her up, or tell you his Opinion that he thought she would leave you ?

Lady Berkeley. I cannot positively say that ; but he us'd to say to me, *Madam, do not make her desperate* ; I do not know that ever he advised me, as to the locking of her up.

Mr. Thompson. Did he desire you, Madam, to take Care that she did not go away from you ?

Lady Berkeley. I do not remember it.

Mr. Williams. Pray, Madam, can you tell who brought that Letter from an unknown Hand to you at Durdants ?

Lady Berkeley. It came down with other Letters to my Lord's Steward.

Mr. Serj. Jefferies. But your Ladiship says my Lord Grey was very sollicitous about that Letter.

Lady Berkeley. Yes Sir, he came to me, and very earnestly cautioned me about it, *For*, said he, *I see there is neither the General-post nor the Penny-post mark upon it*. And knowing himself guilty of what he was guilty of, he might be afraid least my Lord should see it, and so his Business come out.

Mr. Williams. Pray, my Lady Lucy, do you remember that ever my Lord Grey advised the Locking her up ?

Lady Lucy. Upon discoursing of the Letter that came from an unknown Hand, my Mother said to my Lord Grey, *Sure that is such a horrid thing that it can never be done* ; my Lord Grey might then reply and say, *If you fear it, you may lock her up* ; but I do deny that ever I heard him say any thing to caution my Mother that he thought she was going.

Mr. Williams. Madam, the Question I ask your Ladiship is, whether my Lord Grey did or no direct or advise to lock her up.

Lady Lucy. Upon my Mother's discourse concerning the unknown Letter, and how sad a thing that would be, he might say, *That if she fear'd that, she might lock*

lock her up ; but he never did say that he did think she would go.

Mr. *Thompson*. Pray, when was this, Madam, how long before she left the Family ?

Lady *Lucy*. The Day before.

Mr. *Williams*. Then, Madam, for the Discourse you had with him at *Guilford*, what said he, he would do ?

Lady *Lucy*. It was at *London*, that he past his word to go down into the Country.

Mr. *Williams*. What did he promise you to do there, Madam ?

Lady *Lucy*. He said he would not stir from *Up-Park* till he heard from my Father.

Mr. *Williams*. What did my Lord say to you, Madam, about the Letters he should receive ?

Lady *Lucy*. He did say he would send us all the Letters that came to him from her, and if any came to our Hands we were to open them.

Mr. *Williams*. Was my Lord *Grey* willing to receive a Spy, Madam, upon him ?

Lady *Lucy*. Yes, he was.

Mr. *Williams*. Was there any Letter sent to your Ladiship from my Lord *Grey* ?

Lady *Lucy*. Yes, there was a Letter with one in it from my Lady *Harriett*.

Mr. *Williams*. Have you those Letters by you, Madam ?

Lady *Lucy*. No, I have neither of them here.

Mr. *Williams*. Can you tell the Contents of it ?

Lady *Lucy*. I have told them already.

Mr. *Williams*. Pray, Madam, will you please to recollect your self a little, when you were at *Guilford*, and told my Lord *Grey* that my Lady *Harriett* was gone away, did not my Lord tell you, *you had not observed the Directions and Advice he gave about her to lock her up*; and did not you then answer him, *Yes, the Door was lock'd, but the Key was left in* ?

Lady Lucy. I did reply, *the Woman had not lock'd carefully enough after her.*

Mr. Williams. Did you not say, *that the Door was lock'd but the Key was left in?*

Lady Lucy. I do not remember a Word of that.

Mr. Williams. Madam, will you please to cast your Eye upon that Letter, and see if that Paper be a true Copy of the Letter you had?

L. C. J. What Paper is that you offer, Mr: Williams.

Mr. Williams. It is a Letter from the Young Lady, to my Lord Grey.

L. C. J. You know no Use can be made of that Paper, why do you offer it? It is contended that my Lord had the Lady in his Power, and then would not she write any thing.

Mr. Williams. Then, my Lord, there is the Young Lady her self, we desire she may be examined.

Mr. Serj. Jefferies. But before we part with my Lady Lucy; if you have done, we desire to ask her a Question; It is here insinuated, as if there had been some Hardship put upon this Young Lady, or some ill Usage in her Father's Family; Now for the Honour of that Noble Family, I would have that point clear'd, and therefore, pray Madam, did you ever observe any Unkindness, any Severity or harsh Usage, that was used to this Lady, by my Lord or my Lady at any time.

Lady Lucy. So far from that, that all of us had a Jealousy that she was loved best.

Mr. Serj. Jefferies. Pray take notice of that Gentlemen.

L. C. J. Pray, Madam, let me ask you one Question. After my Lady had discovered this Evil Affection, between my Lord Grey and this Young Lady, did she then put any indecent Severities upon her, or use her very hardly?

Lady

Lady Lucy. My Lord, I came out of *France* but two Days before she went away. I saw no such thing.

Mr. Williams. We ask her about my Lord *Grey*, and you ask her about a third Person.

Mr. Serj. Jefferies. Oh good *Mr. Williams*, we know why we ask her that Question. It is an extraordinary Case. Pray my Lady *Arabella*, will you answer the same Question?

L. C. J. Ay Madam, pray let me ask you, after this ill business between my Lord and her was discovered, did my Lady *Berkeley* (I cannot say my Lord, for he knew nothing of the Matter till she was gone away) use her ill or unkindly.

Lady Arabella. No, no my Lord, no Mother in the World could be more indulgent and kind. She did indeed find it necessary to have a stricter Eye over her, and she did put a Woman about her to look after her, and did not permit her to write any Letters. She had, or expressed a greater kindness for her than any of us all besides.

Lady Berkeley. Ay, and that my Lord *Grey* knows to be true.

L. C. J. No, no when my Lord *Grey* was in his Passion, he might say so, but he has no Proof to shew of it.

Mr. Serj. Jefferies. My Lady *Lucy* and my Lady *Arabella*, what Person did you fear should take her away, pray?

Lady Arabella. We were not afraid of any Body but my Lord *Grey*.

Lady Lucy. There was no Reason for fear of any Body but him.

Mr. Williams. My Lord, there is the Young Lady, we desire she may be Sworn.

Mr. Att. Gen. We oppose it, Sir, and have very good Reason so to do, and we think it is time to do it now, if ever.

L. C. J. Why should she not be Sworn, Mr. Attorney.

Mr. Just. Dolben. If the Lady her self have the Confidence to be Sworn, I see no Reason why she should not.

Mr. Att. Gen. This Case, my Lord, is in the Nature of a Ravishment of Ward, for it is for taking a Young Lady out of the Tuition and Custody of her Father, who is her Guardian by Nature, and it is apparent in the Proofs, she is highly Criminal in this very Matter her self, in consenting to go away in such a Manner, and to such an evil Purpose; and now she comes to excuse one, that is not only a Partaker in her Fault, but the first Seducer. Now, my Lord, when we have proved this Matter of Love upon her, that is laid in the Information, sure she cannot be a Witness for them, she would be a Witness to excuse her self.

L. C. J. Mr. Attorney, I do think truly, that notwithstanding what you say, she may be a Witness, being no party to the Information. But withal, I think there is very little Credit to be given to what she says.

Mr. Williams. Sure these Gentlemen forget themselves much in offering to hinder or oppose one's being a Witness, that is no party in the Cause.

Mr. Serj. Jefferies. Truly, my Lord, we would prevent Perjury if we could.

[Then she was Sworn.]

L. C. J. Brother Jefferies, we cannot oppose it, if they will press it and she consent, but I tell you what I think of it.

Mr. Williams. If she be Sworn, my Lord, we would ask her a Question or two. Madam, we would desire your Ladship to answer whether my Lord Grey had any hand in your Escape?

Lady Henrietta. No, Sir.

Mr.

Mr. Just. *Dolben.* You are upon your Oath, Madam, have a care what you say, consider with your self.

Lady *Henrietta.* Yes, I know I am upon my Oath, and I do upon my Oath say it.

Mr. *Williams.* Did my Lord *Grey* advise you to it?

Lady *Henrietta.* No, I had no Advice from him, nor any Body about him, nor did he know any thing of it, it was all my own Design.

Mr. Serj. *Jefferies.* Madam, I would ask you this Question. and pray consider well before you answer it. Did you see my Lord *Grey* on the *Sunday* after you went from your Father's?

Lady *Henrietta.* No, I did not.

Mr. Serj. *Jefferies.* Did you see him on *Monday*?

Lady *Henrietta.* No.

Mr. Serj. *Jefferies.* Did you on *Tuesday*?

Lady *Henrietta.* No.

Mr. Serj. *Jefferies.* Did you on *Wednesday*?

Lady *Henrietta.* No.

Mr. Serj. *Jefferies.* Good God! Pray, Madam, how long afterwards was it that you saw him?

Lady *Henrietta.* Sir it was a great while after.

Mr. *Williams.* How many Days or Weeks after was it.

Lady *Henrietta.* Sir I cannot tell.

Mr. Serj. *Jefferies.* As near as you can, Madam, when was it?

Lady *Henrietta.* I can remember the first place that I saw him at after, but the time exactly I cannot.

Mr. *Williams.* Where was that, Madam?

Lady *Henrietta.* It was in a Hackney-Coach.

Mr. *Williams.* That was the time, I suppose, that you sent for him out of the Coffee-House in Covent-Garden.

Lady

Lady Henrietta. Yes, I did so.

Mr. Williams. Pray, Madam, did you write any Letter to my Lord Grey after your going away.

Lady Henrietta. Yes I did by the next Post.

Mr. Williams. When did you write that Letter, Madam?

Lady Henrietta. I did write it upon *Tuesday* after I came away. I hope that is no Offence.

L. C. J. No? is it not? you should have writ to somebody else sure.

Lady Henrietta. I thought him the fittest Person for me to write to, and I did not imagine it would be any ways scandalous for him, he being the nearest Relation I had in the World, except my own Brother, that could protect me.

Mr. Williams. Had you any Answer from my Lord Grey to that Matter, Madam?

Lady Henrietta. Yes, and a very harsh Letter it was.

Mr. Williams. Did you write him any other Letter.

Lady Henrietta. Yes, but I received no Answer of it at all.

Mr. Thompson. Pray, Madam, did my Lord Grey, at any time, perswade you to return to your Father's?

Lady Henrietta. Yes, he did so several times.

Mr. Serj. Jefferies. Pray, Madam, do you know *Charnock*, that was my Lord Grey's Gentleman?

Lady Henrietta. Yes I do.

Mr. Serj. Jefferies. Upon your Oath, did not he carry you away from *Durdants*.

Lady Henrietta. No.

Mr. Serj. Jefferies. Nor did not his Wife assist you in it?

Lady Henrietta. No.

Mr. Serj. Jefferies. Nor was she not with you on the *Sunday Morning*?

Lady

Lady *Henrietta*. No, nor was not with me.

Mr. *Att. Gen.* Were you not at Mrs. *Hilton's* then, Madam?

Lady *Henrietta*. No.

Mr. *Att. Gen.* Were you at *Patten's*?

Lady *Henrietta*. No.

Mr. *Sol. Gen.* Nor at *Jones's*?

Lady *Henrietta*. No, nor at *Jones's* upon my Oath.

Mr. *Att. Gen.* Pray who did come with you from *Durdants*.

Lady *Henrietta*. I shall not give any Account of that, for I will not betray any Body for their Kindness to me.

Mr. *Wallop*. If it be no Body in the Information, she is not bound to tell who it was.

Lady *Henrietta*. If I have vowed to them before, not to discover, I will not break my Vow to them.

Mr. *Just. Dolben*. If they ask you of any Body in the Information, you have heard their Names, you must tell if it were any of them, but you are not bound to tell if it were any one else.

Lady *Henrietta*. No it was none of them. I went away upon another Account.

L. C. *J.* If you have no further Questions to ask her, pray, Madam, sit down again.

Lady *Henrietta*. Will you not give me Leave to tell the Reason why I left my Father's House.

Mr. *Just. Dolben*. If they will ask you it they may. You are their Witness.

Mr. *Williams*. No, my Lord, we do not think fit to ask her any such Question; she acquits us, and that is enough.

Lady *Henrietta*. But I desire to tell it my self.

L. C. *J.* Truly, I see no Reason to permit it, except we saw you were a more indifferent Person to give Evidence than we find you.

Lady

Lady Henrietta. Will you not give me Leave to speak for my self?

Mr. Just. Dolben. My Lord, let her speak what she has a Mind to, the Jury are Gentlemen of Discretion enough, to regard it no more than they ought. But, Madam, for God's sake consider you are upon your Oath; and do not add wilful Perjury to your other Faults.

Lady Henrietta. I have been very much reflected upon here to Day, and my Reputation suffers much by the Censure of the World, and therefore——

L. C. J. You have injur'd your own Reputation, and prostrated both your Body and your Honour, and are not to be believed.

Mr. Just. Jones. You are, Madam, to answer only such Question as are asked you pertinent to the Issue that the Jury are to try, and if the Counsel will ask you no Questions, you are not to tell any Story of your self.

Mr. Ireton. My Lord, as to the Evidence of *Patten*, the Case is quite otherwise than they would represent it to be, about *Charnock's* coming thither for Lodgings, for *Mrs. Patten* is a Midwife, and used to lay *Mrs. Charnock*, and it was for her to Ly-in at *Patten's* House, because it would be inconvenient to Ly-in at my Lord Grey's.

L. C. J. What does that Signify? But prove what you can.

Mr. Thompson. Where is *Mrs. Patten*, they would not produce her, because they knew it was against them.

[*She appearing was Sworn.*]

L. C. J. Well, what do you ask of this Woman now?

Mr. Ireton. I would ask her, my Lord, whether were there any Lodgings bespoke in your House against September.

Mrs. Patten. I know nothing of that.

Mr:

Mr. Ireton. Was there any Body in June or July at your House to bespeak Lodgings.

Mrs. Patten. I cannot tell the Month nor the Day.

Mr. Thompson. Pray Mistress speak what you do know.

Mrs. Patten. Mr. Charnock and his Wife did come to my House last Summer.

Mr. Williams. What was their Business?

Mrs. Patten. For Lodgings.

Mr. Thompson. Did they tell you who they were for? Did they talk about Lying-in?

Mrs. Patten. They were only for his Wife.

Mr. Ireton. Did he tell you what time he should come?

Mrs. Patten. He did tell me they were not fit to come into yet, but they might at such a time, but she did not know her own Reckoning: But they were not taken.

Mr. Ireton. Are not you a Midwife?

Mrs. Patten. I was Mrs. Charnock's.

L. C. J. What is that to this Purpose?

Mr. Serj. Jefferies. Now you are sweetly brought to Bed.

Mr. Ireton. Pray, Woman will you tell what they said to you.

Mrs. Patten. Mr. Charnock and his Wife came to our House for Lodgings. I asked her who they were for, she said they were for a Gentlewoman. I asked her who she was. Says she, *For my self to Ly-in here.* Said I, *how comes that about?* Says she, *about the time that I Reckon, my Lord's Family will be in Town, and I find it not convenient to Ly-in at our own House; then my Father and Mother have sent for me into the Country, to Ly-in there, but I cannot think of going thither, because of changing my Midwife.* Then, said I, truly, Mrs. Charnock, any thing in my House is at your Service. Said she, *I think it convenient rather to be here than to*

go into the Country; but I do not desire that my Lord's Family should know that I intend to Ly-in here, for I would not inconvenience my Lady's House, and yet my Lady, it may be, will not permit me to go out.

L. C. J. But Mistress, there came one to your House from Mrs. Hilton's, who was that?

Mrs. Patten. I do not know, I was not at Home then.

L. C. J. Did you not come home before they went away?

Mrs. Patten. No, Sir.

Mr. Serj. Jefferies. Was that Woman they brought to Ly-in, in your House Mistress?

Mrs. Patten. Who do you mean, Sir?

Mr. Serj. Jefferies. The other Gentlewoman that came with Mrs. Charnock and Mrs. Hilton. The Lady that spoke just now.

Mrs. Patten. I do not know, I never saw her Face in my Life, that I know of, what my Husband saw I cannot tell, I saw her not, it may be she, it may be not, for any thing I know.

L. C. J. Well Gentlemen, have you done, will you call any more Witneses?

Mr. Williams. We have done, unless they call any more.

Mr. Serj. Jefferies. we shall only call a Noble Lord, my Lord of Aylesbury, to testify what he knows, being very much conversant in the Family, of the Treatment he has observed of this Lady.

L. C. J. That needs not, for there is no Body that fixeth any thing of the Matter upon my Lord or my Lady.

Mr. Wallop. We do hope in your Lordship's Observations upon the Evidence to the Jury, you will please to take Notice, that there is no Colour of Evidence of any Actual Force upon the Lady which is laid in the Information, that my Lord did *vi & armis abducere*, &c.

L. C. J. Oh Mr. *Wallop*, fear not, I shall observe right to the Jury; but you have read the Book that is written concerning Juries lately, I perceive.

Mr. Serj. *Jefferies*. He has studied such Books no doubt, and has learn'd very good Counsel from *Whitaker*.

L. C. J. Look you, Gentlemen of the Jury, here is an Information on the behalf of the King, against my Lord *Grey*, and the other Defendants; and it doth set forth, that my Lord *Grey* having married one of the Daughters of the Earl of *Berkeley*, and having Opportunity thereby of coming to the Earl of *Berkeley's* House, he did unlawfully sollicite the Lady *Henrietta*, another Daughter of the Earl of *Berkeley's*, a Young Lady, to unlawful Love; and that he did intice her from her Father's House; and that he did cause her to be conveyed away from thence against her Father's Consent; and that he did unlawfully use her Company afterwards in a very ill manner, an unjustifiable manner; and this, Gentlemen, is the Substance of the Information; in truth it is laid, that he did live in Fornication with her. Now, Gentlemen, to this my Lord *Grey* and the other Persons, the *Charnocks* and the *Jones's* have all pleaded not Guilty to it. Now then, the Question before you is, whether there was any such unlawful Solicitation of this Lady's Love; and whether there was any Inveiglement of her to withdraw her self and run away from her Father's House without his Consent; and whether my Lord *Grey* did at any time frequent her Company afterwards. Gentlemen, the Evidence that has been given, you have heard what it is, and it is very plain, (if you do believe these Witnesses that speak it from my Lord's own Mouth) that he hath a long time unlawfully solicited her to Lust. For there is nothing else in it Gentlemen (that is the plain *English* of it all) he has inticed her to unlawful Lust.

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My Lady she gives Evidence of it from his own Mouth, that there was an Intrigue of unlawful Love between them : She says my Lord Grey condemn'd himself for it several times, but yet prosecuted it ; he own'd it was a most disingenuous and dishonourable thing in him, which indeed it was ; he did therein in truth make a right Estimate of the thing. He did own he had betray'd the Family, and brought it into great Scandal, and had abus'd both Father and Mother by this unlawful Solicitation of their Daughter to this unworthy wicked Affection ; but he excused it all with the greatness of his Passion, and that was all ; he pray'd her to consider, *it was a great and passionate Love, a Love that he could not resist ; he loved her above all Women Living*, and many fair promises of Amendment and desisting he made, but you see how he has perform'd them. You hear my Lady Arabella tells you there was a Letter written by my Lady Harriett, this Lady that appears now in Court as a Witness for my Lord Grey, which she had out of her own Hand, and she tells you the Effect of it ; it was to invite my Lord another Night as he had been with her a former Night, and to shew the greatness of her longing for him, she desires it might be quickly, not to stay till *Monday*, for if he did she should be mighty Impatient, if he delay'd so long ; and withal she told him, her Sister Bell, which I take to be my Lady Arabella, *had not discovered it, nor heard the Noise that was between them that Night they were together.* My Lady Lucy, she tells you he own'd there was an unlawful Love between him and her Sister, it must needs then be true if he own'd it to her, and he said that it put him upon mighty Inconveniencies, and he own'd he had done so much wrong to the Family, that he could never repair it. You hear my Lady tells you she forbid him the Family ; and you hear likewise, what little Designs he had, and what he pretended that he might

might continue to come to the Family, if you believe my Lady. For he pretended that this would be the way to make it publick, if he were forbid the House altogether ; but he would be under her Direction, he would do nothing but what she should approve of ; that he would not apply himself to her Daughter to speak to her, nor write to her. And you hear that for all this, he did before my Lady *Arabella* vent a great deal of Passion for her, *that she was the only Person in the World he had any Love for* ; that my Lady *Arabella* tells you she heard him say, when he had seen her fall down like a Dead Woman. When he had made my Lady a Promise that he would not come down without Leave, he sends his own Wife thither first to beg that he might come down, and very earnest and importunate she was with her Mother, not knowing any thing of the Intrigue, but was made instrumental to get Leave to come down. And at length, Leave was given him to Dine there, as he went to *Suffex*, but he comes at Nine a Clock at Night, and then excuses were made by him for it ; and my Lord *Berkeley* desiring him to stay, who was not acquainted with the unlawful Affection that was between his Daughter and him, and accordingly he did stay till *Saturday*. You hear, Gentlemen, what is said to you now, as to her carrying away, for all that has been hitherto observed to you, has been only to the unlawful Solicitation of this Lady to unlawful Love. My Lady tells you, that that very Night that my Lord *Grey* went from her House was her Daughter carried away. You see then, the Question will be, whether my Lord had any hand in carrying her away, and for that you must weigh these Circumstances. It is pretty manifest that this Coach-man, that is *Charnock* did carry her away. Now the Chaplain tells you, that my Lord was earnest in several Discourses that Day with *Charnock*, and under some great

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Trouble,

Trouble, he could discern that in his Countenance, and several times he was sent for to him, as tho' there was some mighty earnest Business imposed upon *Charnock* to do. *Charnock* made as tho' he went away, it seems, with his Lord, who went away about four a Clock, and the Lady was carried away in the Morning between twelve and one, which is the time spoken of. Now to prove that *Charnock* carried her away, you have these Circumstances; She was brought to the House of *Hilton*, there was a Lady brought in there that Morning about nine a Clock by *Charnock*; *Charnock* was the Afternoon before going to *Up-park* with his Lord, but it is manifest that he was back that Morning at *London*, and so brought the Lady thither that Morning. If you believe *Hilton* the Witness, it is manifest she had been a Journey, and was very weary, so that she was fain to go to Bed at nine a Clock. This Lady that was there brought by *Charnock* and his Wife, was afterwards carried to *Patten's* House, Mrs. *Hilton* Swears it; and Mr. *Patten* swears they did come in there. There was a great deal of Policy used in the Case, and care taken; and Mrs. *Hilton* tells you why, *they saw some Men about the Door, which they were afraid, might be Men that came to look after the Lady, and so they slid away through the Back-Door, which proves something in that she was to be conceal'd.* Then consider the Circumstances of the Cloaths that do so exactly agree. There was a Gown with red and green Flowers striped, and there was a Petticoat strip'd with Red, and a White Quilted Petticoat under that the Lady had on that came to *Pattens*; and the Ladies Woman who lay with her and look'd after her, describes to you her Gown and Petticoat, to be the same as those were that the Lady had on, who was hurried away from *Patten's* House at Night to another Lodging. We cannot indeed discover where that was. Now, then, after this, my Lord

Grey

Grey he undertakes to my Lady *Berkeley*, that he would go to *Up-Park*, and stay there till he had Leave to come to Town. *Patten*, who saw the Lady, Swears this is the very Lady that sits here, and who has been Examined, but denies it. If she was the Lady that was brought to *Patten's*, she was the same that was brought to *Hilton's*, whither *Charnock* brought her, and so there is a full Evidence of the Guilt of *Charnock* and his Wife, who was the Solicitor about the Business, took Lodgings for her, help'd her away from *Hilton's*, and help'd her to *Patten's*, and from *Patten's* somewhere else. So that if you believe them, *Charnock* and his Wife are both Guilty. As to my Lord Grey, who went to *Up-park* on the *Wednesday*, soon after he came to Town again, and it is positively Sworn that he came to *Jones's* upon the *Tuesday*, and sent for *Jones* out to come to him, who was in a Hackney Coach, where he discoursed with him a pretty while, and afterwards the Room is provided for the Lady up two pair of Stairs in *Jones's* House. She is brought thither, my Lord Grey came twice to the House, and both times without his Perriwig, as the Maid Swears she knew him very well, and there he took Lodgings for a Lady, and that Lady came afterwards. Now if this falls out to be my Lord *Berkeley's* Daughter, than you have it pushed home upon my Lord Grey. That this was my Lord *Berkeley's* Daughter, you have this Evidence made up of Circumstances. First, the Policy used in the Case by my Lord, to have all so privately managed. Another Circumstance there is, tho' at first it seems but slight, yet if it be well considered will signify very much, and that is what the Maid does Testify. She says her Linnen was brought down to be washed, and there was a Shift that was very remarkable, for it had the Body of one Sort of Cloth, and the Sleeves of another, and and that she took special notice of it, and thence

would have concluded that the Lady was not a Person of Quality ; and another of those very Shifts that belonged to my Lady *Harriett* was brought to her afterwards, and she Swears it was of the same Fashion and Make with that which the Lady had that Lodged in their House; and it was, as all do agree, just in the same manner as this was, with the Body of one Cloth and the Sleeves of another. Then, there is Colonel *Fitz-Gerrard* was in those very Lodgings at that time ; and he comes and tells you, that having heard of my Lord *Berkeley's* Daughter's Departure from her Father, and considering the Circumstances that he had heard the Maid say that it was my Lord *Grey's* Mistress that was brought in thither, and such other Circumstances concurring, he did conclude this to be the Lady, and he tells *Jones* his Suspicions concerning it (whose Wife was by the way so very officious to conceal the Lady, that she would not suffer her Maids to come up Stairs, but would rather shut up the Shop-windows her self, than the Maids should come to see her.) Mr. *Jones* having discourse with the Colonel about this, and finding the Lady was Smoak'd, was angry at the Colonel's Curiosity, which increased the Colonel's Suspicion. He told *Jones*, *This must needs be the Lady, and I will see her.* Which he very much fearing, intreated him not to disturb his House at that time of Night, and upon Promise to let him see her the next Morning, he desisted ; but told him *He knew not what he was doing, he did a very ill Thing to conceal a Young Lady from her Friends, her Father and Mother not knowing where she was might give her over for Dead.* But in the Morning the Lady was convey'd away. This, to me, is a shrew'd Circumstance that *Jones* knew her to be the Lady, and to conceal all the Matter, got so much time to send her away. To what Purpose else was she carried away, when the Colonel was to see her, that he might be satisfied about his Suspicion, and so acquaint

quaint her Father ? But she was conveyed away presently. Gentlemen, it is manifest by all the Witnesses, and by what the Defendants Counsel themselves open'd, that under this Absence of the Lady from her Father, he had an Intercourse of Letters with her, which is a great Circumstance to prove that she was carried away by his Contrivance. He could tell the Lady *Lucy*, *That she should never be brought back again, without he might have Leave to visit her.* So that it seems he had full Power over her. There is another Gentleman, who has told you he was set as a Spy over him ; and if you believe him, my Lord Grey has made a Confession to him as he would to his Ghostly Father, he has told you the Intrigue of all his unlawful Love, from the Beginning to the End ; how long he was engaged in it before he had any Comfort from the Lady, when he had the first Demonstration of Kindness from her, and the whole Matter all along. There is another Gentleman that was sent to treat with my Lord (Mr. *Smith*) concerning this ; he tells you, my Lord Grey and he being in a long Discourse, he offered that he would deliver her to one Person, but not to another : She should be first sent to his Brother-in-Law, Mr. *Nevil's* in *Berkshire*, afterwards to another Place, Mr. *Petit's*, so as he might have Access to her ; but he tells you also this was the Conclusion of all, *He would never part with her, nor never deliver her, upon any other Terms than that he might have Access to her whenever he would.* Now lay all this together, and see what it amounts to. He that had so great a Passion for her, he that could not be without the Sight of her, but used such ways to come to speak to her, he that had Letters from her all along, he that had such Power over her that he could deliver her, as he said, or not, and would keep her in spite of her Father, unless he might have Leave to visit her as often as he pleased ; and consider then I say,

whether it is not more than probable, that he had a Hand in carrying her away. It is plain beyond all Contradiction, she was carried away by his Man, who was in his Company that Night, he pretended to goe to *Up-park*, but was in *London* the next Morning by nine a Clock. My Lord came afterwards to take Lodgings for her, two Days one after another. Whether then he be not as Guilty as *Charnock* or any of the rest, nay indeed, the main Mover of this ill Thing, you are to consider upon the Evidence that has been given. But you must, withal, take into your Consideration, what my Lord Grey says for himself. He has asked several Questions of the Ladies that were Examined, but truly, never a one worth the remembring, that I know of, or that made to his purpose. He does indeed pretend that the Young Lady was hardly used at Home, and that she fled to him as to a Sanctuary for Protection; and you hear the several Witnesses examined to that Point; and they all say she was used, notwithstanding the Discovery of this ill Business, with the greatest Kindness and Respect that a Child could be used with by her Mother, and no Hardship put upon her, but only she was forbid to write any Letters to my Lord Grey, and had a Maid put upon her, to keep her from running away, because once before she attempted it, as her Mother did believe. The Lady her self is here, she has been Examined; she indeed denies this all along; she says that this Coach-man *Charnock* did not cary her away; she says she was not at *Hilton's*, nor at *Patten's*, nor at *Jones's*; that she never saw my Lord Grey till a long time after she went from her Father's. But this is all disproved by the other Witnesses, and so whether you will believe her single Testimony or theirs, I must leave it to you. You must consider under what Circumstances she is, and truly she doth not seem to be any way fit to be believed in this Matter. *Jones* and his
Wife

Wife are as guilty as any of the rest, for their Contrivance to keep her secret, especially, after that he had promised *Fitz-Gerrard* to let him see her. Look you, as to the long Discourse my Lord Grey made, I must tell you, it is not to be believed further than it is proved. Now my Lord Grey did tell us, that he from time to time had given caution to my Lady, that she should look to her Daughter and lock her up, for else she would, as he believed, run away. My Lady denies it all, and so it goes all for nothing, and you are to take no notice of it. I must leave it to you, whether you do believe what these Witnesses have Sworn; if you do believe the Evidence produced for the King, most certainly they are all five guilty of the Charge in the Information.

Mr. Just. Dolben. There is no Evidence against *Rebecca Jones*.

L. C. J. No, there is not.

Mr. Serj. Jefferies. No, we cannot insist upon it that there is, you must find her not Guilty.

Mr. Just. Jones. I must remember you of one Thing, Gentlemen, and that is, what drop'd from my Lord Grey's own Mouth, that when my Lord, as he says, gave his Advice that she should be looked after carefully, he would not give his Reason for it, but after he did, as he says, tell it my Lady Lucy, that she complained to him at St. Jones's, *that she led the Life of a Dog or a Slave, and she would not endure it any longer, and desired him to assist her or she would do herself a Mischief.* Why was not this told before?

L. C. J. Ay, but Brother, my Lady Berkeley denies it all too.

[Then the Jury began to withdraw.]

Earl of Berkeley. My Lord Chief Justice, I desire I may have my Daughter delivered to me again.

L. C. J. My Lord Berkeley must have his Daughter again.

Lady Henrietta. I will not go to my Father again.
Mr.

Mr. Just. Dolben. My Lord, she being now in Court, and there being a *Homine Replegiando* against my Lord Grey, for her, upon which he was committed, we must now Examine her. Are you under any Custody or Restraint, Madam ?

Lady Henrietta. No, my Lord, I am not.

L. C. J. Then we cannot deny my Lord Berkeley the Custody of his own Daughter.

Lady Henrietta. My Lord, I am married.

L. C. J. To whom ?

Lady Henrietta. To Mr. Turner.

L. C. J. What Turner ? where is he ?

Lady Henrietta. He is here in Court.

[*He being among the Croud, way was made for him to come in, and he stood by the Lady and the Judges.*]

L. C. J. Let's see him that has married you. Are you married to this Lady ?

Mr. Turner. Yes, I am so, my Lord.

L. C. J. What are you ?

Mr. Turner. I am a Gentleman.

L. C. J. Where do you live ?

Mr. Turner. Sometimes in Town, sometimes in the Country.

L. C. J. Where do you live when you are in the Country ?

Mr. Turner. Sometimes in Somersetshire.

Mr. Just. Dolben. He is, I believe, the Son of Sir William Turner that was the Advocate, he is a little like him.

Mr. Serj. Jefferies. Ay, we all know Mr. Turner well enough. And to satisfy you this is all a part of the same Design, and one of the foulest Practices that ever was used, we shall prove he was married to another Person before, that is now alive, and has Children by him.

Mr. Turner. Ay, do Sir George if you can, for there never was any such thing.

Mr.

Mr. Serj. *Jefferies*. Pray, Sir, did not you live at *Bromley* with a Woman as Man and Wife, and had diverse Children, and living so intimately were you not questioned for it, and you and she owned your selves to be man and Wife?

Mr. *Turner*. My Lord, there is no such thing, but this is my Wife I do acknowledge.

Mr. *Att. Gen.* We pray, my Lord, that he may have his Oath.

Mr. *Turner*. My Lord, here are the Witnesses ready to prove it that were by.

Earl of *Berkeley*. Truly, as to that, to examine this Matter by Witnesses, I conceive this Court, tho' it be a great Court, yet has not the Coginſance of Marriages: And tho' here be a Pretence of a Marriage, yet I know you will not determine it, how ready soever he be to make it out by Witnesses, but I desire she may be delivered up to me her Father, and let him take his Remedy.

L. C. J. I see no reason but my Lord may take his Daughter.

Earl of *Berkeley*. I desire the Court will deliver her to me.

Mr. *Just. Dolben*. My Lord, we cannot dispose of any other Man's Wife, and they say they are Married. We have nothing to do in it.

L. C. J. My Lord *Berkeley*, your Daughter is free for you to take her; as for Mr. *Turner*, if he thinks he has any Right to the Lady, let him take his Course. Are you at Liberty and under no Restraint.

Lady *Henrietta*. I will go with my Husband.

Earl of *Berkeley*. Huswife, you shall go with me home.

Lady *Henrietta*. I will go with my Husband.

Earl of *Berkeley*. Huswife, you shall go with me, I say.

Lady *Henrietta*. I will go with my Husband.

Mr.

Mr. Williams. Now the Lady is here, I suppose my Lord Grey must be discharged of his Imprisonment.

Mr. Serj. Jefferies. No, my Lord, we pray he may be continued in Custody.

L. C. J. How can we do that, Brother, the Commitment upon the *Writ de Homine replegiando* is but till the Body be produced, and here she is, and says she is under no Restraint.

Mr. Serj. Jefferies. My Lord, if you please to take a little time to consider of it, we hope we may satisfy you that he ought still to be in Custody.

L. C. J. That you can never do, Brother.

Mr. Serj. Jefferies. But your Lordship sees upon the Proofs to day, this is a Cause of an extraordinary foul Nature, and what Verdict the Jury may give upon it we do not know.

Mr. Att. Gen. The truth of it is, we would have my Lord Grey forth coming, in case he should be convicted, to receive the Judgment of the Court.

L. C. J. You cannot have Judgment this Term, Mr. Attorney, that is to be sure, for there are not four Days left. And my Lord Grey is to be found to be sure, there never yet before this was any thing that reflected upon him, tho' this indeed, is too much and too black if he be guilty.

Mr. Just. Dolben. Brother, you do ill to press us to what cannot be done; we, it may be, went further than ordinary in what we did, in committing him being a Peer, but we did it to get the Young Lady at Liberty; here she now appears, and says she is under no Restraint; What shall we do? she is properly the Plaintiff in the *Homine Replegiando*, and must declare if she please, but we cannot detain him in Custody.

L. C. J. My Lord shall give Security to answer her Suit upon the *Homine Replegiando*.

Mr. Williams. We will do it immediately.

L. C. J. We did, when it was moved the other day by my Brother *Maynard*, who told us of Ancient Precedents, promise to look into them, and when we did so, we found them to be as much to the purpose, as if he had cast his Cap into the Air, they signified nothing at all to his point. But we did then (as we did at first tell my Lord, so) him if he did produce the Lady we would immediately Bail him. And she being now produced, we are bound by Law to Bail him. Take his Bail.

[And accordingly he was Bail'd at the Suit of the Lady *Henrietta Berkeley*, by Mr. Forrester, and Mr. Thomas Wharton.

Earl of *Berkeley*. My Lord, I desire I may have my Daughter again.

L. C. J. My Lord, we do not hinder you, you may take her.

Lady *Henrietta*. I will go with my Husband.

Earl of *Berkeley*. Then all that are my Friends seize her I charge you.

L. C. J. Nay, let us have no breaking of the Peace in the Court. But, my Lord *Cavendish*, the Court does perceive, you have apprehended your self to be affronted by that Gentleman Mr. *Craven's* Naming you in his Evidence; and taking notice of it, they think fit to let you know, that they expect you should not think of righting your self, as they have some thoughts you may intend. And therefore you must lay aside any such thoughts of any such satisfaction. You would do your self more wrong by attempting to right your self in any such way.

Lord *Cavendish*. My Lord, I am satisfied that your Lordship does think it was impertinently spoken by him, and shall not concern my self any further, but only desire that the Court would give him some reproof for it.

Then

Then the Court broke up, and passing through the Hall there was a great Scuffle about the Lady and Swords drawn on both sides, but my Lord Chief Justice coming by, ordered the Tipstaff that attended him (who had formerly a Warrant to search for her and take her into Custody) to take Charge of her and carry her over to the *King's-Bench*, and Mr. Turner asking if he should be committed too, the Chief Justice told him, he might go with her if he would, which he did, and, as it is reported, they lay together that Night in the *Marshal's House*, and she was released out of Prison, by Order of the Court, the last Day of the Term.

On the Morning after the Trial, being *Friday* the 24th of *November*, the Jury that tried the Cause having (as is usual in all Causes not Capital tried at the Barr, where the Court do not sit long enough to take the Verdict) given in a private Verdict the Evening before, at a Judge's Chamber, and being now called over, all appear'd, and being asked they did abide by the Verdict that they gave the Night before, they answer'd, *Yes*; which was read by the Clerk of the Crown to be, *That all the Defendants were guilty of the Matters charged in the Information, except Rebecca Jones, who was not Guilty* which Verdict being Recorded, was commended by the Court and the King's Counsel, and the Jury discharged.

But in the next Vacation, the Matter, as the Report went, was compromised, and so no Judgment was ever pray'd, or entered upon Record, but Mr. Attorney General was pleased before the next *Hilary Term*, to enter a *Nolle Prosequi* as to all the Defendants.

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